MINUTES

OF THE

PROVINCIAL COUNCIL

OF

PENNSYLVANIA,

FROM THE ORGANIZATION TO THE TERMINATION OF THE PROPRIETARY GOVERNMENT.

PUBLISHED BY THE STATE.

VOL. IX.

CONTAINING THE PROCEEDINGS OF COUNCIL FROM OCTOBER 15TH, 1762, TO 17TH OF OCTOBER, 1771, BOTH DAYS INCLUDED.

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MINUTES

OF THE

PROVINCIAL COUNCIL OF PENNSYLVANIA.

At a Council held at Philadelphia on Friday the 15th October, 1762.

PRESENT:

The Honourable JAMES HAMILTON, Esq^r, Lieu^t Governor, &c^a.

Benjamin Chew, Esquire.

Yesterday being the day appointed by Charter for the Meeting of the Assembly, The Governor received a Message from the House by two Members, that a Quorum was met, and had chosen a Speaker, and desired to know at what time and place they might present him to the Governor for his Approbation, and this day at 11 o'clock, being appointed for that purpose, The Governor sent a Message to the House by the Secretary, that he was ready, in the Council Chamber, to receive the House, with their Speaker. Accordingly, the whole House waited on His Honour, & presented Isaac Norris, Esquire, who being approved of, addressed himself to the Governor, & demanded the usual privileges, which were granted, and then the House withd^ew.

The House adjourned to Monday the 10th January, 1763.

—

MEMORANDUM.

Thursday, 21st October, 1762, at New Castle.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, Lieut^t Gov^r, &ca.

Benjamin Chew, Esquire.

Three Members of Assembly of the Government of the Lower Counties, waited on His Honour, the Governor, with a Message

that the House had met Yesterday in pursuance of the Charter & Laws of this Government, & had chosen a Speaker, & desiring to know at what time His Honour would be pleased to receive the House, with their Speaker; the Governor acquainted them that he would be ready for that purpose in half an hour.

The House accordingly waited on His Honour, and presented to him Jacob Kollock, Esquire, who, on receiving the Governor's Approbation, prayed the usual privileges of the House, which were granted; And then the House withdrew.

—

Friday, 22nd October.

The Governor was waited on by three Members, with a Message that the House being now regularly sworn, desired to know if his Honour had any Business to lay before them. The Governor informed them that he had prepared a Message which he should send to the House immediately.

The Secretary then carried to the House the following Message, with two Letters relative thereto, from Mess^rs. Sargeant & Aufrere, and Mess^rs. Barclay, for their perusal:

A Message from the Governor to the Assembly.

"Gentlemen:

"Since the last Meeting of the Assembly of this Government, I have been advised by your Agent in England, of his having received from the Lords of His Majesty's Treasury, two several Sums of Money granted by Parliament for re-imbursing the several Colonies a part of the Supplies they have from time to time given to the Crown, in the Course of the present War. As it was the Intention of the parliament in making these Grants, that the same should be applied in the several Colonies towards discharging and in Ease of the publick Debts and Taxes of the respective Governments, I must earnestly recommend it to you to apply the Money in that manner; And as there is not at present any power in being, authorized to receive the same from your Agent, I am also to recommend it to you to pass a Bill for empowering proper persons forthwith to draw the same out of his hands, in order to its being duly applied for the purposes aforesaid.

"JAMES HAMILTON.

"New Castle, 22nd October, 1762."

—

New Castle, Thursday, 28th October, 1762.

The House having presented to the Governor for his Concurrence a Bill entituled "An Act to empower Benjamin Chew, Esq^r, and

in case of his Death, William Plumsted, Esq^r to draw for the sum of Three thousand seven hundred and forty-five pounds seventeen shillings & ten pence Sterling, now in the hands of the Agent of this Government, residing in London, & to direct the Appropriation of the said Money," His Honour sent the same to the House, with two small Amendments, by the Secretary, with a verbal Message, that when they had made them, he would be ready to pass the Bill into a Law.

—

Friday 29th October.

The four following Bills were Yesterday sent up to the Governor for his Concurrence, viz^t :

"An Act to enable the Owners and Possessors of the Meadow, Marsh & Cripple in Red Lyon Creek, in the County of New Castle, to keep the Banks, Dams, Sluices & Flood Gates in repair, and to raise a Fund to defray the Expence thereof."

"An Act to enable the Owners and Possessors of the Meadow, Marsh & Cripple on Cedar Creek in Red Lyon Hundred, in the County of New Castle, to keep the Banks, Dams, Sluices, and Flood Gates in repair, and to raise a Fund to defray the Expence thereof."

"An Act for the reviving and continuing the actions and process in the Supreme Court for the County of New Castle."

"An Act for repealing 'An Act of Assembly of this Government hereafter mentioned, and for reviving 'An Act entituled 'An Act for the Relief of the poor within the County of Kent.'' ' Which the Governor considered and returned to the House by the Secretary with a few small Amendments to the two former, and a Message that he agreed to the two last mentioned.

—

Saturday 30th October, 1762.

The two following Bills being sent to the Governor for his perusal & Concurrence, were read and returned to the House with a Verbal Message that His Honour agreed to them, viz^t :

"An Act for vesting a certain Estate in the County of New Castle, belonging to Anna and Ann Thomas, being Minors, in David Stewart and Thomas Tobin and their Heirs, for the purposes hereafter mentioned."

"An Act to enable the Owners and Possessors of the meadow, Marsh and Cripple lying upon Nonsuch and Mill Creeks, and adjoining Lewden's Island in the Hundred and County of New Castle, on Delaware, to embank and drain the same, to keep the outside

Banks & Dams in good Repair for ever, and to raise a Fund for the doing thereof."

—

Monday, 1st November, 1762.

A Bill entituled "An Act to enable the Owners & Possessors of the Meadow and Marsh near Christiana Bridge on the South East side of the Creek in the Hundred & County of New Castle, to keep the Banks, Dams, Sluices and Floodgates in repair," being read, was returned to the House with a Message that the Governor assented thereto.

—

Tuesday, 2nd November, 1762.

The two Bills, viz$^{t.}$: "An Act for the better regulations of the Roads in New Castle County," and "An Act for stopping, embanking & draining a parcel of Marsh on both sides of S$^{t.}$ George's Creek in New Castle County, &ca."; were read and sent to the House by the Secretary with a Message that the Governor agreed to them and would be ready in a quarter of an Hour to pass into Laws all the Bills to which he had given his assent.

Accordingly the whole House attended at the Governor's Room, & the Speaker presented to him the ten following Bills, which the Governor enacted into Laws, & signed a Warrant for affixing the Great Seal to them, which was immediately done under the Inspection of two Members, with the Secretary, and then lodged in the Roll's Office.

The Bills passed, are as follows, viz$^{t.}$:

1. "An Act for empowering Benj$^{n.}$ Chew, Esq$^{r.}$ and in case of his Death, William Plumsted, Esq$^{r.}$ to draw for the sum of £3745, 17, 10, Sterl$^{g.}$ in the agents Hands in London, &$^{ca.}$"

2. "An Act to enable the Owners of meadow Marsh, &c$^{a.}$ on Red Lyon Creek, in New Castle County, to keep the Banks, Dams, &ca., in repair, &c$^{a.}$"

3. "An Act for the reviving and continuing the actions & Process in the Supreme Court, for New Castle County."

4. "An Act to enable the Owners, &c$^{r.}$ of Meadow Marsh, &c$^{a.}$ on Cedar Creek, in Red Lyon Hundred, in the County of New Castle, to keep the Dams, &ca., in repair, &ca."

5. "An Act for repealing an Act of Assembly of this Government hereafter mentioned, and for reviving an Act entituled 'an Act for the relief of the poor, within the County of Kent.'"

6. "An Act for vesting a certain Estate, in the County of New Castle, belonging to Anna and Ann Thomas, being minors, in David

Stewart & Thomas Tobin, & their Heirs, for the purposes hereafter mentioned."

7. "An act to enable the Owners and Possessors of the Meadow Marsh, &c. lying upon Nonsuch and Mill Creeks, and adjoining Lewden's Island, in New Castle County, to embank and drain the Same, &c."

8. "An Act to enable the Owners & possessors of the meadow & Marsh near Christiana Bridge, &ca., to keep the Banks, Dams, &c. in repair, &c."

9. "An Act for the better regulation of the Roads in Newcastle County."

10. "An Act for Stopping, embanking, and draining a parcel of Marsh on both sides of St. George's Creek, in New Castle County."

Before the House withdrew, the Speaker presented to the Governor Orders on the Trustees of the Loan Office, to the amount of Two hundred & fifty pounds, for his Salary and Services, for which His Honour returned the House his Thanks.

At a Council held at Philadelphia, on Thursday, 11th November, 1762.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, Lieutenant Governor, &ca.

Richard Peters, } Esqrs.
Benjamin Chew, }

A Transcript of the Record of Conviction of Cornelius Dougherty, Anthony Miller, and John Hellar, for Burglary in Lancaster County, delivered to the Governor by Edward Shippen, Junr. Clerk of the Court of Oyer and Terminer & General Gaol Delivery, held in the said County, on the 1st of this instt. November was read, and no application having been made to the Govr. in their favour, It is ordered that a "Warrant issue to the Sheriff, for the Execution of the Sentence of Death passed on the said Criminals, on Saturday, the twentieth of November, instant."

At a Council held at Philadelphia, on Tuesday the 16th Novemr. 1762.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, Lieutenant Governor, &ca.

Joseph Turner, Benjamin Chew, } Esquires.
Richard Peters, }

The Governor laid before the Board a Copy of the Record of Court for the Tryal of Negroes, held at Philadelphia, October the

28, 1762, before William Plumsted & William Parr, Esquires, Judges appointed for that purpose, assisted by Six Substantial Freeholders, summoned for that purpose, when two Negro men, named Caspar and Joe, were convicted of Felony and Burglary, and received Sentence of Death; and also three several petitions from the Inhabitants of Philadelphia, praying the Governor to grant a Reprieve for the said Negroes, which being read, & the matter duly considered, the Council were unanimously of Opinion, that as there appeared no particular Circumstances in the case of either of the said two unhappy Criminals, which rendered them proper Objects of the Governor's mercy and favour, they could not advise him to interpose between the Laws and the Execution of them on this occasion, and the Governor was pleased to join with them in Opinion.

—

At a private Conference held at the Governor's House, with Teedyuscung, the 19th Novr., 1762.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, Lieutenant Governor, &ca., and

Richard Peters, Esquire.

Isaac Stille, Interpreter.

The Governor desired Teedyuscung to speak nothing but what should be strictly true, which he promised to do, and then he began his Business, saying:

"Brother:

"You may remember that some time ago I told you that I should be obliged to remove from Wyomink, on account of the New England people, and I now again acquaint you that soon after I returned to Wyomink from Lancaster, there came 150 of those people, furnished with all sorts of Tools, as well for building as Husbandry, & declared that they had bought those Lands from the Six Nations, and would settle them, and were actually going to build themselves Houses, and settle upon a Creek called Lechawanock, about seven or eight miles above Wyomink. I threatned them hard, and declared I would carry them to the Governor at Philadelphia; and when they heard me threaten them in this manner, they said they would go away, and consult their own Governor; for if they were carried to Philadelphia, they might be detained there Seven Years, and they said further, that since the Indians were uneasy at this purchase, if they would give them back the money it had cost them, which was one or two Bushels of Dollars, they would give them their Land again.

"Brother:

"Ten days after these were gone, there came other fourteen men, and made us the same Speeches, declaring that they expected above

3,000 would come and settle the Wyomink Lands in the Spring; and they had with them a Saw & Saw Mill Tools, purposing to go directly and build a Saw Mill about a mile above where I live, but upon my threatning those in the same manner I did the former Company, they went away, &, as I was told, buried their tools some where in the Woods. These people desired me to assist them in surveying the Lands, and told me they would reward me handsomely for my trouble, but I refused to have any thing to do with them.

"Brother:

"Six days after these were gone, there came other Eight white men & a mulatto, and said the very same things to me that the others had said, and immediately I got together my Council, and as soon as we had finished our Consultations, I told these people that I would actually confine them and carry them to Philadelphia, & deliver them to the Governor there; Upon which they went away, saying they would go to their own Governor, and come again with great numbers in the Spring. Some of these people stole my Horse that I bought at Easton, but they gave me another Horse, and five pounds in money, in Satisfaction for my Horse.

"Brother:

"Tho' I threatned these people hard that I would confine them and carry them down to you, yet I did not mean actually to do it, remembring that you charged me not to strike any White Men, tho' they should come, but to send you the earliest notice of their coming that was in my power.

"Brother:

"Before I got up to Wyomink from Lancaster, there had come a great Body of these New England people with intent actually to settle the Land, but the Six Nations passing by at that time from Lancaster, sent to let them know that they should not be permitted to settle any of these Lands, and on their expressing great resentment against them, and threatning them if they persisted, they went away. This I was told by Thomas King, who was left behind at Wyomink by the Six Nations to tell me that they intended to lay this whole matter before the great Council at Onondagoe, & that they would send for me and my Indians to come to Albany in the Spring, where they are to have a Meeting with the New England people, & desired I would be quiet till I should receive their Message, & then come to Albany. On this Speech of Thomas King's we met together in Council, & agreed not to give him any promise to come to Albany, but to advise the Governor of Pennsylvania of this and to take his advise what to do, and if he will go with us and advise us to go, we will go in case we should be sent for in the Spring. Brother, Surely as you have a General of the King's Armies here, he might hinder these people from coming & disturbing us in our possessions.

"Brother:

"About Six days before I left Wyomink, I received a Belt, which was brought me by the Indian Man Compass; it came first to Nutimus and from him to me. By that Belt, Beaver desired that I and the Delawares, the Wapings & Mohickons settled at Wyomink, would remove thence, and come and live at Allegheny. I wish, Brother, that there had been writings signed between Beaver and us at Lancaster, setting forth that we had made a firm peace and friendship together, and that we were very good friends & shall always remain so; I wish, I say, such writings had been signed by all of us and those that were present at Lancaster, that we might have it always to shew to our Children and Grand Children, and that they might remember what was done then by us. The Governor reminded him that it was not the Custom for Indians to sign writings to one another, and that the same forms had been observed at Lancaster as at other Treaties." After which Teedyuscung proceeded:

"Brother:

"I have one thing more to say, and then I shall have finished all I have to say at this time.

"Brother:

"You may remember that at the Treaty at Easton we were promised that a Schoolmaster and Ministers should be sent to instruct us in religion, & to teach us to read and write; As none have been yet provided for us, I desire to know what you intend to do in this matter. I have now done."

—

20th November, 1762.

The Governor's Answer to Teedyuscung's Speech of Yesterday.

"Brother:

"I thank you for the information you have given me of what passed between you and the people of Connecticut.

"Hearing that some of these people were gone towards the Susquehannah, I sent a special Messenger after them, to warn them from settling those Lands, & to take care not to give Offence to the Indians, from whom those Lands had not been purchased. My Messenger came fortunately just after the Six Nations had ordered them to go away, and shewn great reluctance at their presuming to come and settle those Lands; and met them returning home displeased with the Six Nations for speaking to them in the rough manner they did.

"Brother:

"I have wrote both to General Amherst and to Sir William Johnson, and to the Governor of Connecticut; this matter is likewise laid before the Great King by Sir William Johnson, so that

I am in hopes you will not see any more of these troublesome people, but that measures will be taken to keep them at home.

"Brother:

"I commend you for your prudent behaviour; I did and do still desire that no blood of the White People may be shed by you, but that you will continue to give me the earliest Notice you can if you hear of any of them coming again in the Spring."

A String.

"Brother:

"I observe what you say with respect to the Message sent to Nutimus and to you by Beaver.

"You know that your Uncles, the Six Nations, have kindled a Fire for you at Wyomink, & desired you would stay there and watch, and give them notice if any White people should come to take away the Lands from them, & that you would not suffer them to do it.

"You may think, be assured, that this Winter measures will be taken to prevent these troublesome people from coming to disturb you. On these Considerations I desire you will remain quiet where you are, & not move away, as you seem to have no Inclinations to go away only on account of these New England disturbers.

"As to any Invitations the Six Nations may make to you, to come to Albany to Council with them, & to meet the New England people, you will pay such regard to them as your Connections with your Uncles require. I dont pretend to any Authority over you, but I would advise you to comply with such invitation as you shall receive from your Uncles. I am not invited, and know nothing of this matter, but if I hear anything of it, I will let you know."

A Belt.

"The times have been so unsettled, that there has been no opportunity of sending Ministers & Schoolmasters among you. Now there is a likelihood of a general peace being soon established, if you determine still to continue at Wyomink, about which you have expressed some doubts to me, I shall consider of this matter, & send you an answer at a proper time."

A String.

At a Council held at Philadelphia, on Tuesday the 18th January, 1763.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, Lieutenant Governor, &c[a].

Joseph Turner, Richard Peters, & Benjamin Chew, Esquires.

The Proprietaries having directed the Governor to move the Assembly to pass a Bill for altering and amending the Act of Assembly passed in April, 1759, for granting One hundred thousand

pounds to His Majesty, &c^a. so as to make it conformable to the Terms expressed in the Report of the Committee of Council, made the day of in the said year, His Honour laid before the Council the Draught of a Message to the Assembly, agreeable to the proprietary direction, which was read, approved, and sent to the House by the Secretary.

A Message from the Governor to the Assembly.

"Gentlemen:

"An Act of Assembly of this province, passed in the Year 1759, intituled, 'An Act for granting to His Majesty the sum of one hundred thousand pounds,' &ca., having, pursuant to the Royal Charter, been laid before His Majesty in Council, and the Merit thereof having been fully debated, as well on the part of the Honourable Proprietaries as of the Assembly and people of this province, before a Committee of His Majesty's Most honourable Privy Council for plantation affairs, their Lordships, after a full hearing, were pleased to report, as their Opinion, to His Majesty, that the said Act was fundamentally wrong and unjust, and ought to be repealed, unless certain Alterations & amendments, specified in the Body of the said Report, could be made therein.

"Whereupon, the Agents for the Assembly, sensible of the Inconveniencies which must necessarily arise to the people, from a Repeal of the said Act, and desirous to prevent the same, did propose, agree to, and subscribe, in the Books of the privy Council, an Engagement in the following Words, vizt.:

"We, the undersigned, Benjamin Franklin and Robert Charles, Agents for the province of Pennsylvania, do hereby consent, that in case an Act passed in the said province, in April, 1759, entituled 'An Act for granting to His Majesty the sum of one hundred thousand pounds, and for striking the same in Bills of Credit, in the manner herein after directed, & for providing a Fund for sinking the said Bills of Credit by a Tax on all Estates, real and personal, and Taxables within this province,' shall not be repealed by his Majesty in Council, We, the said Agents, do undertake, that the Assembly of Pennsylvania will prepare and pass, and offer to the Governor of the said province of Pennsylvania, an act to amend the aforementioned Act, according to the Amendments proposed in the Report made by the Lords' of the Committee of Council this day, upon the One hundred thousand pounds Act, and other pennsylvania Acts; and we will indemnify the proprietaries from any Damage they may sustain by such act not being so prepared and passed by the Assembly, and offered to the Governor.

"In full Confidence that the above engagement would be duly performed on the part of the Assembly, and in respect to other good purposes of the said Act, their Lordships were thereupon induced to represent to His Majesty, that he might rely upon this under-

taking for the Assembly by their Agents, and permit the said Act to stand unrepealed, because the Objections upon which they should have founded their advice for the Repeal, would certainly be removed, in a way more agreeable & convenient to the Province.

"His Majesty having taken the said Report into His Royal Consideration, was pleased with the Advice of His Privy Council, to approve of all that was therein proposed to be done, and by His order in Council, of the Second of September, 1760, to declare, that the abovementioned Act of Assembly should accordingly stand unrepealed.

"Very soon after the aforesaid report and Order of Council came to my Hands, viz^t^ on the twenty-eight of January, 1761, I laid them before the then Assembly, acquainting them at the same time, by a Message in Writing, that whenever they should think proper to prepare and offer to me a Bill to alter and amend the aforementioned Act, so as to make it conformable to the Sentiments of the Lords of the Committee aforesaid, approved by His Majesty, & to the express Stipulations of their Agents, as set forth in the said report, I should think it my Duty to concur with them, by enacting it into a Law. To this, sometime after, they were pleased to return me an answer, though, by no means a Satisfactory one, inasmuch they did not declare whether they would or would not comply with the Engagements entered into by their Agents, in their Behalf, although I had more than once particularly urged them for an explicit Answer to that point.

"In this Situation things have hitherto continued, and the Performance of the Stipulations entered into by your Agents, on your Behalf, yet remains to be complied with, although there is the greatest reason to believe that those very Stipulations were the means of exempting the Province from the many Inconveniencies it would have been subjected to, by a repeal of the aforementioned Act of Assembly.

"I am now to acquaint you, Gentlemen, that I have it command from the Proprietaries, to move you to pass a Bill for altering & amending the aforesaid Act of 1759, for granting One hundred thousand Pounds to His Majesty, &ca., so as to make it conformable to the Terms expressed in the Report of the Committee aforesaid, and to the Engagements entered into by your Agents; and I do accordingly, recommend this measure as fit to be taken into your present Consideration, not only because it appears to me to be extreamly just, but because a refusal, or further delay on your part, may be productive of those mischiefs & Inconveniencies which a former Assembly seemed so much to apprehend from a Repeal of the said Law, and which it was manifestly the Intention of your Agents to avert, by entering into the aforesaid Engagements. And I cannot but think it a lucky Circumstance that one of the Gentlemen who acted as your Agent in England during the whole of this transaction, is now upon the Spot, and capable of explaining to you the

very good reasons and motives that induced him to enter into those Engagements.

"JAMES HAMILTON.

"January 18th, 1763."

The Governor laid before the Board two Bills, sent up by the House, for His Honour's Concurrence, the one entituled 'a Supplement to an act entituled 'An Act to enable the Owners and Possessors of a certain Tract of Marsh and Meadow Land therein described, situate in the Counties of Philadelphia and Chester, to keep the Banks, Dams, Sluices, and Floodgates in repair, and to raise a Fund to defray the Expence thereof,' and the other entituled

"An Act for extending and enlarging the Southern District of Darby Marsh, or Meadow Ground," which were read and considered, and there appearing nothing objectionable to them, they were returned to the House, with a verbal Message that the Governor was ready to pass them into Laws whenever they should be presented to him for that purpose.

At a Council held at Philadelphia, on Tuesday, the 25th Jan^{y} 1763.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, Lieutenant Governor, &^{ca}.

Richard Peters, William Logan, Benjamin Chew, Esquires.

The Governor having received by the Pitt Pacquet, a Letter dated Novem^{r} 27th, 1762, from the Right Honorable the Earl of Egremont, one of the Principal Secretaries of State, inclosing His Majesty's Proclamation of a Cessation of Arms agreed upon between England, France, and Spain, laid them before the Board, together with His Honour's Proclamation, which being read and approved, a Warrant was issued for the affixing the Great Seal thereto, and the same was agreed to be published at the Court House to-Morrow at 12 o'clock, & ordered also, to be printed in the Pennsylvania Gazette & Journal.

The Governor directed the Secretary to prepare another Proclamation for the Government of the Lower Counties, and to send the same to Richard McWilliam, Esquire, at New Castle, to be published at the Court House there.

A Letter from the Right Honorable the Earl of Egremont to the Governor.

"WHITEHALL, Novr 27th, 1762.

"Sir:

"It is with great pleasure I now acquaint you, that on the 8th Instant a Messenger arrived from the Duke of Bedford, with the Preliminary Articles of Peace, which had been signed on the 3rd of this Month, at Fontainebleau, by His Grace and the Plenipotentiaries of France and Spain; and another Messenger having Yesterday brought the Ratifications of the said Preliminaries, which had been exchanged at Versailles, on Monday last; His Majesty was pleased immediately to order a Proclamation to be published, declaring a Cessation of Arms, as well by Sea as Land, which I inclose herewith, and am commanded to signify His Majesty's Pleasure to you that you do cause the same to be published in all the proper places under your Government, to the end, that all His Majesty's Subjects there may pay due obedience thereto, and strictly observe the same.

"I congratulate you most sincerely on this fortunate Issue of the King's unwearied Endeavors to put an end to the Calamities of so long and destructive War, by restoring as far as has depended on His Majesty, the general Peace and Tranquility.

"I am, with great Truth & Regard, Sir,

"Your most Obedient humble Servant,

"EGREMONT."

By the Honourable JAMES HAMILTON, Esquire, Lieutenant Governor and Commander-in-Chief of the province of Pennsylvania, & Counties of New Castle, Kent, & Sussex, upon Delaware.

A PROCLAMATION.

"WHEREAS His Majesty was graciously pleased on the twenty-Sixth day of November last past, to issue His Royal Proclamation in the words following, vizt:

"GEORGE, R.

"*Whereas*, Preliminaries for restoring Peace were signed at Fontainebleau, on the third day of this Instant, November, by the Ministers of us, the Most Christian King, and the Catholic King: *And whereas*, for the putting an end to the Calamities of War as soon and as far as may be possible, it has been agreed between Us, the most Christian King and his Catholick Majesty, as follows; that is to say:

"That as soon as the Preliminaries shall be signed & ratified, all Hostilities shall cease at Sea and at Land.

"And to prevent all Occasions of Complaints and Disputes which might arise upon account of Ships, Merchandizes, and other Effects, which might be taken at Sea, it has been also mutually agreed, That the Ships, Merchandizes, and Effects, which should be taken in the Channel and in the North Seas, after the Space of twelve days, to be computed from the Ratification of the present Preliminary Articles; And that all Ships, Merchandizes, and Effects, which should be taken after Six weeks from the said Ratification, beyond the Channel, the British Seas, and the North Seas, as far as the Canary Islands, inclusively, whether in the Ocean or Mediterranean; and for the Space of three Months, from the said Canary Islands to the Equinoctial Line or Equator; and for the Space of Six Months, beyond the said Equinoctial Line or Equator, & in all other places of the World, without any exception, or other more particular Distinction of Time or Place, should be restored on both sides.

"*And Whereas*, the Ratifications of the said Preliminary Articles, in due form, were exchanged at Versailles by the Plenipotentiaries of Us, the Most Christian King, and of the Catholick King, on the twenty-second of this Instant, November, from which day the several Terms above mentioned, of Twelve days, of Six Weeks, of Three Months, and of Six Months, for the Restitution of all Ships, Merchandizes, and other Effects taken at Sea, are to be computed.

"We have thought fit, by and with the advice of our privy Council, to notify the same to all Our loving Subjects, and We do declare, That our Royal will and Pleasure is, and we do hereby strictly charge and command all our Officers, both at Sea and Land, & all other Our Subjects whatsoever, to forbear all Acts of Hostility, either by Sea or Land, against His Most Christian Majesty, and His Catholick Majesty, Their Vassals or Subjects, from and after the respective times abovementioned, and under the penalty of incurring our highest Displeasure.

"Given at Our Court at S^{t} James's, the twenty-sixth day of November, in the Third Year of our Reign, and in the Year of Our Lord 1762.

"*And Whereas*, a Copy of the said Proclamation hath been transmitted to me by the Right Honorable the Earl of Egremont, one of His Majestie's principal Secretaries of State, who hath also signified to me His Majesty's Royal Will and Pleasure that the same should be published in all the proper places under my Government, to the End that all His Majesty's Subjects there may pay due Obedience thereto, and strictly observe the same; *I have therefore*, in Obedience to the said Royal Order, signified to me as aforesaid, with the advice of the Council, caused the said Proclamation to be this day published, and do hereby strictly charge and command all his Majesty's Subjects within this Province to take Notice of His Royal Will and Pleasure therein made known, and to conform themselves thereto accordingly.

"Given under my hand, & the Great Seal of the Province of Pennsylvania, at Philadelphia, this twenty-sixth day of January,

in the third Year of His Majesty's Reign, and in the Year of our Lord, one thousand seven hundred & sixty-three.

"JAMES HAMILTON.

"By His Honour's Command.

"JOSEPH SHIPPEN, junr, Secretary.

"GOD SAVE THE KING."

Wednesday, the 26th January, 1763.

MEMORANDUM.

This day at 12 o'Clock, the Governor being attended at His House by the Council, Mayor, Recorder, Aldermen, Common Councils, Sheriffs, and inferior Officers, & accompanied by several of His Majesty's Officers of the Army, went in Procession to the Court House, where being met by the Speaker and Members of Assembly, His Honor's Proclamation of the Cessation of Arms, was read by the Secretary, with the usual Solemnity, in the presence of a great Concourse of People.

At a Council held at Philada, on Saturday, the 29th Jany, 1763.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, Lieutenant Governor, &ca.

Joseph Turner, Benjamin Chew, } Esquires.
Richard Peters,

The Governor laid before the Board a Letter from the Earl of Egremont, one of His Majesty's Principal Secretaries of State, dated the twenty-seventh of Novemr last, and also a Message to the Assembly he had prepared thereupon, which was read and approved and sent to the House as follows, vizt:

A Message from the Governor to the Assembly.

"Gentlemen:

"I have very lately had the Honour to receive from the Right Honourable the Earl of Egremont, one of His Majestie's principal Secretaries of State, a Letter written by the King's Command, in the words following, vizt:

"WHITEHALL, November 27th, 1762.

"Sir:

"Through the happy Conclusion of Preliminary Articles of Peace between His Majesty & the Most Christian and Catholick

Kings, which it is hoped will soon be followed by a Definitive treaty of Peace, will make it unnecessary for me to renew His Majesty's Requisition of any further Levy of Men in the several Provinces in North America; the King has nevertheless commanded me to express His Surprize at the Conduct of the Assembly of Pennsylvania (of which Sir Jeffery Amherst has transmitted a full Account) and His Majesty's high Disapprobation of their artfully evading to pay any Obedience to His Majesty's Requisitions; for though they with seeming Chearfulness, voted the Levy of one thousand Provincials for the King's Service, yet His Majesty cannot but consider their having obstinately persisted in the Bill they prepared for that purpose, to insert several Clauses which had been already disapproved of by the King in Council, & which they knew you could never consent to, consistently with your Duty to His Majesty and your Obligations to the Proprietaries. I say the King cannot but consider such Conduct as proceeding from a predeterminated Resolution not to afford any Assistance to the Service in General; now the immediate Danger is removed from their own Doors, And the refusing at once to comply with the King's Demands, (as your Assembly has done in that most necessary Service of furnishing a proportion of Recruits for the Regular Forces, & which was so earnestly recommended to them in the King's name) or the granting the Levy requested, and afterwards artfully rendering the same ineffectual, are considered by His Majesty as the same thing, & cannot but equally incur his just Displeasure. And it is His Majesty's pleasure that you should make known to the Assembly of your Province in such manner as you shall judge most proper, these His Majesty's Sentiments of their Conduct, in order that they may not suppose that it is not seen in its true Light. I have, at the same time, the Satisfaction to assure you that the King is very sensible of your Zeal for His Service, & that you have urged, with proper Energy, every Argument and Motive to induce the Assembly of Pennsylvania to come to a due Sense of their Duty.

"I am with great Truth and Regard, Sir,

"Your most Obedient, humble servant,

"EGREMONT."

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"Being required to make known to the Assembly of this Province, in such Manner as I should judge proper, His Majesty's Sentiments of their Conduct with regard to His several Requisitions, laid before them the last Year; I have, in Obedience to the Royal Command, made choice of this method to communicate them to you, and have, at the same time, ordered the said Original Letter to be laid before you.

"JAMES HAMILTON.

"January 29th, 1763."

A Bill entituled "An Act for striking the sum of Five thousand Pounds in Tickets and small Bills of Credit, to be exchanged for other Bills of Credit of this Province," which had been presented to the Governor for his Concurrence, was read and considered, and the Governor concurred in Opinion with the Council, that the said Bill ought to be returned to the House, with a Message signifying his dissent thereto.

At a Council held at Philadelphia, on Tuesday the 8th of February, 1763.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, Lieutenant Governor. &ca.

Richard Peters, William Logan, } Esquires.
Benjamin Chew, }

The three following Bills having been sent to the Governor for his Concurrence, His Honor laid them before the Board, & they were read and considered, viz^{t}:

"An Act directing the choice of Inspectors, and for holding the General Elections in the Counties of Lancaster, York, Cumberland, Berks, and Northampton," which was sent to the House with a Verbal Message, that the Governor agreed to it.

"An Act the better to enable the Persons therein named, to hold Land, & to invest them with the Priviledges of Natural born Subjects of this Province," which was returned to the House with Amendments, founded on the Petition of Nicholas Weaver, & a Certificate of his taking the Oaths, which were sent with the Bill.

And "An Act for the Relief of Persons whose Apprentices or Servants have inlisted in the late King's or his present Majesty's Service," which was also ordered to be returned to the House, with several Amendments thereto.

At a Council held at Philad^{a} on Tuesday the 15th February, 1763.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, Lieutenant Governor, &^{ca}.

Joseph Turner, Richard Peters, } Esquires,
William Logan, Benjamin Chew, }

The Governor laid before the Board three Bills that had been presented to him by the Assembly for his Concurrence, viz^{t}: one entituled

"An Act for the Regulation of Apprentices within this Province;" which was read and considered, and returned to the House with a few small Amendments.

Another Bill entituled "An Act for regulating the Fines imposed upon the Assessors chosen or to be chosen within this Province;" which being read and approved, was returned to the House with a Verbal Message, that the Governor agreed to it.

And the other Bill entituled "An Act to limit the continuation of Actions in the Courts of Judicature within this Province;" which was read & considered, & being disapproved, was returned to the House with the following Message:

A Message from the Governor to the Assembly.

"Gentlemen:

"I have very carefully weighed and considered the Bill intituled 'An Act to limit the continuance of Actions in the Courts of Judicature within this Province;' I would with great pleasure concur with you in any Laws, which in my Judgement had a Tendency to promote the public Good, and the happiness of the People, but I am fully satisfied that this Bill will by no means answer those valuable Ends; on the Contrary, from the Nature of it, in many Cases it may, and some of necessity must, be subversive of Justice.

"The Judges of every Court of Record have a power to make rules for the expediting & bringing to a speedy Determination all Cases depending before them, which are binding, and have the force of Laws to all Intents and purposes on the Suitors and Gentlemen of the Law, in such Courts.

"In the several Courts of Judicature in England, the rules made by the Judges are different, according to their different Circumstances & Constitutions, and are varied from time to time, and new ones made, when upon experience they are found to be defective; If, therefore, any Inconveniences have arisen in the Courts of this Province, from the too long continuance of Actions, I cannot but be of Opinion that it is much safer to leave this Mischief to be redressed by the Courts, who are entrusted with the administration of Justice, in whose hands the Wisdom of our Mother Country hath lodged this power, and who ought to judge of the reasonableness of any Motion to put off a Trial, than to lay them under the necessity of compelling the parties to a Trial at a certain fixed Time, let the Exigency or Circumstances of the Case be what they may; for which Reason I cannot assent to this Bill.

"JAMES HAMILTON.

"February 15th, 1763."

Tuesday the 22nd February, 1763.

MEMORANDUM.

The Assembly having presented to the Governor for His concurrence the following Bills, entituled

"An Act to enable certain Persons therein named, to erect a Court House at Easton in the County of Northampton, and to levy a Tax on the Inhabitants of the said County to defray the Expence thereof;" and

"An Act concerning Horses, Cattle and Sheep, trespassing within this Province."

His Honour returned them to the House by the Secretary, with His Assent to the former & one Amendment to the latter, without any other Objection to it.

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Wednesday, the 23rd February, 1763.

The Governor having received no answer from the Assembly to his Message of the 18th January last, sent to the House the following Message by the Secretary, viz^{t}:

A Message from the Governor to the Assembly.

"Gentlemen:

"In pursuance of Orders from the Honourable Proprietaries, I moved you by my Message of the Eighteenth of last Month, to pass a Bill for altering and amending the Act passed in this Province, in the Year one thousand seven hundred and fifty-nine, for granting One hundred thousand Pounds to His Majesty, &ca., so as to make it conformable to the Sentiments of the Lords of the Committee of His late Majesty's most Honourable Privy Council, expressed in their Report of the twenty-eighth of August, one thousand seven hundred & sixty, and to the Stipulations entered into on your behalf, by your Agents in England, both which have been long since laid before you.

"But as no Bill hath yet been offered to me for that purpose, & you have not been pleased to return any answer to my Message, I am under the necessity of mentioning this matter again, and of desiring that you will, in your present Session, acquaint me with your Resolution, whether you will or will not comply with the Engagements entered into by your Agents, by passing and offering to the Governor of this Province, 'An Act to amend the aforementioned Act,' according to the Amendments proposed in the Report of the Committee of Council aforesaid, in order that I may transmit the same to the Proprietaries, with all convenient Dispatch.

"JAMES HAMILTON.

"February 23rd, 1763."

Friday, 25th February, 1763.

The Governor received by two Members a Message from the House of Assembly in the words following, viz^{t} :

A Message to the Governor from the Assembly.

May it please your Honour.

"We have taken into our most serious Consideration your Messages of the 18th of January, and the 23rd Instant, which we find to be of the same Tenor with your Message of the 28th January, 1761, to which the then Assembly returned an Answer, wherein they say, after the strictest Enquiry, it appeared to them, that the Proprietaries had never received the least injury from the Act for granting one hundred thousand pounds to the King's use, passed in the Year 1759; and that if it should appear to the House, that any Injustice was offered to the Proprietaries, or if the Governor, in behalf of the Proprietaries, should point out any Injury they might receive in the Execution of the said Act, they did not doubt the Assembly, for the time being, would chearfully and readily offer a Bill to the Governor to do them Justice; But as no injustice has since appeared to us, or been shewn by the Governor, to be done the Proprietaries, we are of the same Sentiments with that House, who, on the most careful Enquiry, found 'that there had not been any Injustice done to the Proprietaries, or attempts made to rate or assess any part of their Estates higher than the Estates of like kind, belonging to the Inhabitants, are rated and assessed, but, on the contrary, that they were in many Instances rated below others;' And as we find, by the returns now before us, from the several Counties, that no Change has been since made in the mode of Taxation, we hope we may refer to our former Message to the Governor on this Head, & more especially as the Acts by which their Estates are taxed, are temporary, & will expire in a few Years, by their own Limitation.

"Signed by Order of the House.

"ISAAC NORRIS, Speaker.

"February 26th, 1763."

At a Council held at Philad^{a}, on Monday, the 28th Feb^{y}, 1763.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, Lieutenant Governor, &c^{a}.

Richard Peters, William Logan, } Esquires.
Benjamin Chew,

A Bill entituled "An Act for preventing abuses in the Indian Trade, for supplying the Indians, Friends & Allies of Great Britain,

with Goods at more easy Rates, & for securing and strengthening the peace and Friendship lately concluded with the Indians inhabiting the Northern and Western Frontiers of this Province," having been presented to the Governor for his Concurrence, was laid before the Board, read, and duly considered; and it appearing to contain a Clause directly repugnant to the judgment of His Majesty and Council, in points of the same kind, & being also liable to other Objections, it was amended, & the Board were of Opinion that it should be returned to the House with the Amendments, and the following Message which the Governor had prepared for that purpose.

A Message from the Governor to the Assembly.

"Gentlemen:

"On considering the Bill entituled 'An Act for preventing abuses in the Indian Trade, &ca.,' I am necessarily led to remind you that by His late Majesty's Order in Council of the 2nd of September, 1760, 'an Act of Assembly of this Province, passed in the Year 1759, for granting to His Majesty the sum of One hundred thousand Pounds,' was adjudged to be fundamentally wrong, and unjust in many Instances, respecting the Taxation of the Proprietaries' Estate; and that the Engagement entered into by your Agents in England, and signed by them in the Books of the Council, (by which they undertook that the Assembly would prepare & pass, and offer to the Governor of this Province, an Act to amend the aforementioned Act, according to the Amendments proposed in the Report of the Lords of the Council aforesaid,) was the principal Motive and Inducement which prevailed on His Majesty to suffer that Act to stand unrepealed at that Time.

"And altho' a former Assembly, before whom the said Order of Council was laid, did not incline to carry that Engagement into Execution, & yourselves, in your present Session, notwithstanding my Recommendation, have also declined to comply with it, yet, after so full and explicit a Declaration from the Crown, I say I little expected to find that in any future Bill for the raising of Money, you would have inserted a Clause that prescribes the very same Mode of Taxation which His Majesty in Council had pronounced to be fundamentally wrong and unjust, as it appears you have done by the Bill now under Consideration.

"I am very sensible, Gentlemen, that a Law for regulating the Indian Trade, & to prevent those People from being ill used or defrauded, in their Commerce with us, may be very conducive to His Majesty's Interest, and the Welfare of the Province; and therefore, I am very well disposed to concur with you in enacting one for that purpose, provided it be so framed that I can, consistent with my Duty, give my Assent to it. But at the same I think it incumbent on me to acquaint you, that in respect to points of this Nature,

the Judgment of the King and Council has, and I trust ever will have, such Weight and Influence with me as to prevent my acting in direct Opposition to it.

"I flatter myself that, on reflection, you will be of Opinion that I could not be justified in departing from the rule of Taxation, which, after mature Deliberation, has received the Approbation & Sanction of so wise and august a Body as that of the Council Board; and that you will either alter the Bill herewith sent down, so as to make it conformable to the abovementioned Order of Council, or consider of some other less exceptionable means to secure the Money which the Commissioners for the Indian Trade may have occasion to borrow; And that no time may be lost, I have ordered the Secretary to lay before you some Amendments, which appear to me necessary to be made in the other parts of the Bill.

"JAMES HAMILTON.

"February 28th, 1763."

A Bill entituled "An Act to prevent and remove certain nusances in & near the City of Philadelphia," was also laid by the Governor before the Board, read & considered, and several Amendments being made thereto, it was ordered to be returned to the House with the same.

A Bill entituled "A Supplement to the Act entituled 'An Act for regulating, pitching, paving, & cleansing the Highways, Streets, Lanes, and Alleys, & for regulating, making, & amending the Water Courses and Common Sewers within the Inhabited and settled parts of the City of Philadelphia, & for raising of money to defray the Expence thereof,'" being presented to the Governor for his Concurrence, was read and considered, & ordered to be returned to the House with some Amendments.

The four following Bills having been presented to the Governor by the Assembly for his Concurrence, were also laid before the Board, read, and approved, and the Secretary was directed to carry them down to the House, with a verbal Message that the Governor assented to them, viz^{t}:

"An Act for erecting a House of Correction in the County of Lancaster."

"A supplement to the Act entituled 'An Act for opening and better amending & keeping in repair the publick Roads & Highways within this Province.'"

"An Act for altering and enlarging the time of holding the Courts of the General Quarter Sessions of the peace & Gaol delivery, in the County of Bucks, & for enlarging the time of holding the Courts of General Quarter Sessions of the Peace and Gaol Delivery in the County of Chester."

"An Act to continue an Act entituled 'An Act for regulating Waggoners, Carters, Draymen, & Porters, within the City of Philadelphia, & for other purposes therein mentioned.'"

Thursday, the 3rd March, 1763.

MEMORANDUM.

The Assembly having requested the Governor, by a Verbal Message, that he would appoint two members of Council to compare the Bills which had received his assent, with the engrossed Copies, His Honour named Richard Peters and Thomas Cadwallader, Esq^rs, for that purpose, who, with two members of the House, examined and compared the same in the Afternoon, and His Honour appointed to-Morrow at 12 o'Clock, for the attendance of the House, in order to enact them into Laws.

Friday, 4th March, 1763.

The Governor, by His Secretary, acquainted the Assembly that he required the attendance of Mr. Speaker, & the Gentlemen of Assembly, in the Council Chamber, to pass the Bills to which he had given his Assent. Accordingly, the Speaker, and the whole House, attended in the Council Chamber, where his Honour enacted fifteen Bills into Laws, and signed a Warrant for affixing the Great Seal thereto.

The Titles of the several Laws passed are as follow, viz^t:

1. "An Act to continue an Act entituled 'An Act for regulating Waggoners, Carters, Draymen, and Porters, within the City of Philadelphia, &ca."

2. "An Act for erecting a House of Correction in the County of Lancaster."

3. "An Act for altering and enlarging the time of holding the Courts of General Quarter Sessions of the Peace and Gaol Delivery, in the County of Bucks, & for enlarging the time of holding the Courts of General Quarter Sessions of the Peace and Goal Delivery, in the County of Chester."

4. "A Supplement to the Act entituled 'An Act for opening and better amending and keeping in repair the Publick Roads and Highways within this Province.'"

5. "An Act directing the choice of Inspectors, & for holding the general Elections in the Counties of Lancaster, York, Cumberland, Berks, and Northampton."

6. "An Act concerning Horses, Cattle, & Sheep, trespassing within this Province."

7. "An Act to prevent and remove certain Nusances in & near the City of Philad^a"

8. "An Act to enable certain persons therein named to Erect a Court House at Easton, in the County of Northampton, & to levy a Tax on the Inhabitants of the said County to defray the Expence thereof."

9. "An Act for the regulation of Apprentices within this Province."

10. "An Act the better to enable the Persons therein named to hold Lands, & to invest them with the Privileges of natural born Subjects of this Province."

11. "An Act for the relief of Persons whose Apprentices or Servants have inlisted in the late King's or His present Majesty's Service."

12. "An Act for regulating the Fines imposed upon the Assessors chosen, or to be chosen, within this Province."

13. "An Act for enlarging & extending the Southern District of Darby Marsh or Meadow Ground."

14. "A Supplement to an Act entituled 'An Act to enable the Owners & possessors of a certain Tract of Marsh and Meadow Land therein described, situate in the Counties of Philadelphia & Chester, to keep the Banks, Sluices, and Floodgates in repair, and to raise a Fund to defray the Expence thereof."

15. "A Supplement to the Act entituled 'An Act for the regulating, pitching, paving, & Cleansing the Highways, Streets, Lanes, and Alleys, & for regulating, making, and amending the Water Courses and Common Sewers within the Inhabited and Settled parts of the City of Philadelphia, & for raising of Money to defray the Expence thereof.'"

The Speaker then acquainted the Governor that some further Business having come before the House this Morning, they intended to make a short Adjournment to the 28 of this Instant, March, instead of that to the 12th September, which they had Yesterday proposed. And His Honour having no objection thereto, the House made their Adjournment accordingly.

At a Council held at Philad^{a}, on Saturday, the 2nd April, 1763.

PRESENT.

The Honourable JAMES HAMILTON, Esquire, Lieutenant Governor, &ca.

Richard Peters, William Logan, } Esq^{rs}.
Benjamin Chew,

The Assembly, having met on the 28th March last, pursuant to Adjournment, sent up to the Governour for his Concurrence the two following Bills, intituled 'An Act for preventing abuses in the Indian Trade, & for securing & strengthening the Peace & friendship lately concluded with the Indians inhabiting the Northern and Western Frontiers of this Province;" And,

"An Act for the better regulating the Keepers of Inns, Taverns, and other Houses of Entertainment, and more effectually to prevent the keeping Publick Houses without Licence, & to suppress Immorality within this Province;" which Bills being read and considered, the former was returned by the Secretary with one Amend-

ment, & the latter, with the following Message to the House, refusing the Governor's Assent.

A Message from the Governor to the Assembly.

"Gentlemen:

"Being well assured that the Laws relative to the keeping of Publick Houses within this Province, are fully sufficient to answer the Purposes of preserving good Order and Regularity in them; and that were the Justices made acquainted, from time to time, with any Transgression of the said Laws, they would readily use their Authority to enforce the Execution of them, and punish the Offenders. I cannot think the Provisions in the Bill intituled 'An Act for the better regulating Inns, Taverns,' &ca., sent up for my Concurrence, to be at all necessary, & therefore cannot give my assent to the said Bill.

"JAMES HAMILTON.

"April 2nd, 1763."

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EODEM DIE, P. M.

The Governor, having appointed this afternoon for the passing of the Indian Trade Bill, sent a Verbal Message to the House by the Secretary, that he waited in the Council Chamber for that purpose, & required the attendance of the House. The Speaker and the whole House attended, accordingly, and presented to the Governor the Bill entituled "An Act for preventing abuses in the Indian Trade, and for securing and strengthening the Peace and Friendship lately concluded with the Indians inhabiting the Northern and Western Frontiers of this Province," which His Honour enacted into a Law, and signed a Warrant for affixing the Great Seal thereto.

The House afterwards adjourned to Monday, the 12th day of September next.

At a Council held at Philadelphia, on Wednesday, 1st June, 1763.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, Lieutenant Governor, &ca.

Benjamin Shoemaker, William Logan, } Esq^rs
Richard Peters, Thomas Cadwalader, }

The following petition of Blas Antonio Hernandez Factor, on Board the Ship Constanza, Commanded by Don Francisco Ar-

maolea, from the Havanna, was this day presented to the Governor, with the Captain's protest that the said Ship had Sprung a Leaque at Sea, which obliged her to put into the Port of Philad[a]. His Honour, in pursuance thereof, sent for the Naval Officer and Collector, & on finding the several matters set forth in the said Petition & Protest to be reasonable and just, Agreed that the said Ship should be permitted to unlade in this Port, under the inspection of the Custom House Officers, who had already put Waiters on Board her, and ordered that her Cargo should be deposited in a Store until the Ship be repaired and made fit for the prosecution of her Voyage, and that one Key of the same be kept by the Collector, and another by the Naval Officer.

"*To the Honourable JAMES HAMILTON, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsyvania, and Counties of New Castle, Kent, and Sussex, on Delaware.*

"*The humble Petition of Blas Hernandez, Merchant, Owner or Factor on board the Ship called the Constanza, otherwise St. Antonia de padua, from the Havanna, & whereof Don Francisco Armaolia is Mastr.:*

"*Sheweth:*

"That, on or about the twenty-eighth day of April now last past, Your Petitioners sailed in and with the said Ship from the Havanna aforesaid, having a Cargo of sundry Merchandize on board, bound on a Voyage to the Port of Cadiz, in Old Spain; That in prosecution of such Voyage, in the Latitude of Thirty degrees three Minutes North, and Longitude of about Two hundred ninety-seven degrees fifty-two Minutes East from the Meridian of Teneriffe, the said Ship sprung a Leak, at which she made so much Water as to be incapable of proceeding the said Voyage, & obliged them to put into this Port of Philadelphia (being the nearest) to refit; the particulars of all which, appears by the said Master's and Mariner's protest, regularly made at New Castle, & herewith laid before your Honour; Your Petitioner, therefore, prays your Honour to permit him to unlade the said Ship, in order to examine, repair, and make her fit to prosecute the said Voyage, and afford him such other Relief in the Premisses, as shall be necessary for the purposes aforesaid. And your petitioner will ever pray, &ca.

"BLAS ANTONIO HERNANDEZ.

"Philad[a], 1st June, 1763."

The Gov[r] appointed Mr John Gibson, Merch[t], to transact all the necessary Business relating to the said Ship and Cargo, as Factor or Agent for the owner, during her continuance in this Port.

The 2d June, 1763.

MEMORANDUM.

The Governor having received fresh Complaints from the Indians at Wyoming, that the Connecticut Tresspassers were still obstinately prosecuting their Settlement on the Lands there & at Cushictunk, thought proper this day to issue a third Proclamation, requiring those Intruders forthwith to remove from the said Lands. His Honour likewise, the better to enforce his Proclamation, by a special Commission, appointed James Burd & Thomas McKee, Esq^rs Justices of the Peace, and gave them written Instructions to proceed to Wyoming, and, having convened the people, settled there publickly to read the Proclamation, and to use their utmost Endeavours, by Expostulations & Arguments, to prevail on them to relinquish their Scheme of settling the Lands there, and to depart peaceably without Delay; otherwise to cause some of the Principals to be apprehended and carried to the Goal at Lancaster.

"*By the Honourable JAMES HAMILTON, Esquire, Lieutenant Governor & Commander-in-Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, and Sussex, upon Delaware.*

"A PROCLAMATION.

"Whereas, divers Persons, the natural born Subjects of His Majesty, belonging to some of the Neighbouring Colonies have, without any Licence or Grant from the Honourable the Proprietaries of this Province, or Authority from this Government, made several Attempts, in Bodies, to possess themselves of & settle upon a large Tract of Land within the limits of this Province, not yet purchased from the Indians, lying at and between Wyoming, on the River Susquehanna, and Cushietunck, on the River Delaware, and in the upper parts of Northampton County; and have also endeavoured to persuade and inveigle many of the Inhabitants of this and the neighbouring Provinces to confederate and join with them in such their illegal and dangerous Designs, and to assist in settling & holding the said Lands by strong hand; *And Whereas*, the Delawares and other Tribes of Indians who reside within that Tract of Country between Wyoming & Cushietunck, and also the Six Nation Indians, have, as well at public Treaties as at divers' other Times, repeatedly made Complaints and Remonstrances to me against the said Practices and Attempts, & in the most earnest manner requested & insisted that the said Intruders should be removed by the Government to which they belonged, or by me, & declared if this was not done the Indians would come & remove them by Force, and do themselves Justice; but desired that the said Intruders might be previously acquainted there-

with, that they might not pretend Ignorance; *And Whereas*, notwithstanding I have already issued two Proclamations, viz^{t}, the first dated in February 1761, & the second dated the 16th day of September following, to apprize the said Intruders of their danger, and to forbid their settling on the said Lands and strictly enjoining & requiring in His Majesty's Name, all those who had presumed to settle on any part thereof, immediately to depart & move away from the same; yet I have lately received Information and fresh Complaints from the said Indians that divers Persons, in contempt of such my several Proclamations, and the Threats of the Indians, do still persist in their said Design, and are now actually settling on divers parts of the said Lands about Wyoming and Cushietunck.

" *Wherefore*, as well to continue my endeavours to preserve the Peace and Friendship which is now so happily restored and subsisting between us and the Indians, and to prevent the mischievous and terrible Consequences of their carrying into execution such their Threats, from which I am greatly apprehensive the Indians cannot any longer be restrained, if the said Intruders shall not immediately relinquish their Designs of settling the said Lands, as also again to warn any of the Inhabitants of this Province from being unwarily drawn in to join the said Intruders in such their unjust designs of making Settlements in the said Indian Country, I have judged it proper, before any Force shall be used against the said Intruders, by and with the advice of the Council, to issue this my Third Proclamation, hereby again strictly enjoining & requiring in His Majesty's Name all and every person and persons already settled and residing on the said Lands (Indians excepted) immediately to depart and move away from the same. And do hereby forbid all His Majesty's Subjects of this or any other Province or Colony, on any pretence whatsoever, to intrude upon, settle or possess any of the said Lands, or any other Lands within the Limits of this Province not yet purchased of the Indians, as they will answer the contrary at their Peril, and on pain of being immediately prosecuted with the utmost Rigour of the Law. And hereby also strictly charging, enjoining & requiring all Sheriffs, Magistrates, Peace Officers, and all other His Majesty's liege People within this Province, to exert themselves and use their utmost Endeavours to prosecute and bring to Justice & condign Punishment, all Offenders in the Premises.

" *Given* under my hand and the Great Seal of the said Province, At Philadelphia, the second day of June, in the Year of our Lord, one thous^{d} seven hundred & sixty-three, and in the third year of the Reign of our Sovereign Lord George the 3rd, by the Grace of God of Great Britain, France, & Ireland, King, Defender of the Faith, &^{ca} forth.

"JAMES HAMILTON.

"By his Honour's Command,

JOSEPH SHIPPEN, Jun^{r} Secretary.

"GOD SAVE THE KING."

Instructions from the Governor to James Burd, & Thomas McKee, Esq^rs.

"*By the Honourable JAMES HAMILTON, Esquire, Lieutenant Governor, and Commander-in-Chief of the Province of Pennsylvania, & Counties of Newcastle Kent, and Sussex, on Delaware.*

"*To James Burd & Thomas McKee, of the County of Lancaster, in the said Province, Esquires, Greeting.*

"Gentlemen:

"I have lately received Intelligence with fresh Complaints from the Indians at Wyoming, that the Connecticut People still persist in prosecuting their Scheme of settling the Lands about Wyoming, and at & about Cushietunck; And with the advice of the Council, I have thought it proper to issue a third Proclamation on that occasion, & to desire that you will immediately take a Journey to Wyoming, with such assistance as you shall judge proper to take along with you, and use your best endeavours to pursuade or drive away all the White People that you shall find settled, or about to settle there, or on any Lands not yet purchased from the Indians.

"Before you shew yourselves amongst them, you will gain all the Information and Light you can into their Designs, what their numbers are, & learn the names of as many as you can; where settled, or about to settle; What numbers (and from whence) they expect to join them

"On your arrival amongst them, you will convene the heads of them, & after reading the Proclamation, expostulate with them about the Injustice, Absurdity, and Danger of their attempting to settle there, and let them know that I expect and require of them by you, that they shall all immediately Depart and quit their Settlements, and if they shall agree to go away peaceably, You will then after their departure, see all their Buildings and Improvements destroyed; and in case they refuse to comply, You will then acquaint them that they may rest assured that besides the danger they may be in from the resentment of the Indians, this Government will never permit them to continue there; and that therefore it would be most advisable for them to return peaceably to their own Country, & desist entirely from their design of making any more Settlements there.

"If you find these Expostulations and persuasive means shall not succeed, & that you can do it without danger of Resistance from a Superior Force, & the risque of Bloodshed (which by no means hazard) I would have you, either by Stratagem or Force, to get three or four of the ringleaders, or others of them, apprehended and carried to the Goal at Lancaster, sending with them a

proper force & Mittimus under your hands & Seals, there to wait my further Orders.

"And if that cannot be done, you will endeavour to get the names of as many of them as you can, in order that they may be prosecuted at Law, and further measures taken with them, as shall at your Return be judged most proper. For this end I have armed you with a special Commission, constituting you Magistrates of the Counties of Northampton, Berks, and Lancaster, but I immagine, the Lands where they are settling must be in Northampton County.

"You will please to keep a Journal of your Proceedings, and on your return report the same to me in writing under your hands, with an Account of your Expences, that orders may be given for the discharge thereof.

"*Given* under my hand & Seal-at-Arms, at Philadelphia, the second day of July, Anno Domini, 1763.

"JAMES HAMILTON."

At a Council held at Philadelphia, on Monday the 20th June, 1763.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, Lieutenant Governor, &c^{a}.

William Logan, Richard Peters, Thomas Cadwalader, Benjamin Chew, Joseph Turner, } Esquires.

The Governor laid before the Board sundry Letters of Intelligence from the Frontiers, containing Accounts of Hostilities committed by the Western Indians, on His Majesty's Subjects within this Province, & of the Suspicious Behaviour of the Indians settled on the upper parts of the Susquehanna. The said Letters were severally read, & were from the following Persons, viz^{t}:

One from Lieut. Sam^{l} Hunter, to Col. Ja^{s} Burd, dated at Fort Augusta, 13th June.

Ditto from Lieut. Caleb Graydon, to Ditto, dated D^{o} 15 June.

Ditto from Mr. Geo. Croghan, to the Governor, ——— ——— Shippensburg, 11 June.

Ditto from Mr. Joseph Shippen, Jun^{r}, Sec^{y}, to D^{o}, dated at Harris's Ferry, inclosing a list of the Indians now living on the North West Branch of y^{e} Susquehanna.

Ditto from Col^{o} James Burd, to the Governor, dated at Hunter's Fort, 17 June.

Ditto from Col. Boquet, to Ditto, dated ——— ———, 19 June.

Ditto from Capt. Ourry, Command^{g} at Fort Bedford, to the Governor, dated 10 June, 1763.

At a Council held at Philadelphia on Thursday the 23rd June, 1763.

PRESENT:

The Honourable JAMES HAMILTON, Esq^r, Lieut^t Governor, &ca.

Benjamin Shoemaker, Benjamin Chew, } Esq^rs.
William Logan, Thomas Cadwalader, }

The Governor laid before the Council several Letters received by him last Night, from the Frontiers of this Province, giving him information of new Murders & Depredations lately committed by the Indians on divers of his Majesty's Subjects on the said Frontiers, and represented that the remainder of the Money granted to His Majesty by the last Supply Bill, subject to the disposition of the Governor and the Provincial Commissioners, was expended; the Council thereupon advised the Governor to summon the Assembly as soon as possible, and lay before them the Intelligence he has received, and the great danger the Province is in from the Indians, that they may provide for the Publick Security; And His Honour concurring in Opinion with the Council, ordered Writts to issue for summoning the Assembly to meet on the 4th day of July next.

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Tuesday, the 5th July, 1763.

The Assembly having met yesterday, pursuant to the Governor's Summons, issued on the 23rd June, His Honour sent to the House by the Secretary, the following Message, with Letters therein referred to, from Sir Jeffery Amherst, dated the 12th & 25th June last, & sundry others, containing matters of Intelligence concerning the late Incursions & Depredations committed by the Indians on the Frontiers.

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A Message from the Governor to the Assembly.

"Gentlemen:

"Being sensible how very inconvenient your attendance in Assembly at this Season, must be to your private affairs, nothing less than the most urgent necessity, and an immediate want of your assistance for the publick Safety, could have induced me to call you together before the time to which you stood adjourned.

"At a Time when, by the happy success of His Majesty's Arms, and the Wisdom of his Councils, a peace, equally glorious to his

Crown, and beneficial to His Subjects in all Quarters of the World, hath been lately concluded; & while we were filled with the pleasing hopes of reaping the just fruits of the excessive Labour and Expence, which have been bestowed in effecting that great & Salutary work, it gives me the utmost concern to be obliged to acquaint you that our Toils are not yet come to an end, but that fresh troubles have arisen from a Quarter whence we had little reason to expect them, and which, if not timely repelled, or otherwise composed, may again deluge this Country with Blood & Rapine.

"It is now about a Month since we were alarmed by accounts from the commanding officer at Fort Pitt, that Murders and other Hostilities had been committed by Indians (but of what Tribe or Nation was not known) on many of His Majesty's Subjects in those parts, some of them almost within sight of the Fort; and that they had even been hardy enough to assault His Majesty's Posts of Sandusky and Detroit, in the former of which they had succeeded, & put great part of the Garrison to the Sword, but had happily failed with respect to the other; all which accounts have been since confirmed.

"Immediately, on receipt of these advices, I thought it incumbent on me to provide for the Security of the important Garrison of Augusta, by reinforcing it with a considerable number of men, & putting the Frontiers into as good a State of Defence as the shortness of the time would allow; both which Services, with the Concurrence of the Provincial Commissioners, have, in a good Measure, been accomplished out of the remainder of the last Supply granted to His Majesty, then undispos'd of; and I am in hopes that it is at present in a Condition to withstand any Attack that may be made upon it by Indians.

"As, after the first Blow that was struck, no further Depredations were, for some time, heard of, I was in hopes it was rather the effect of private Resentment, than of a general Combination of the Indians to make war upon these Colonies, but the Cruel Murders that have since been committed, not only upon our Traders, but upon several new settled Families, far within the purchased parts of the Province, without the least Provocation from the unhappy sufferers, too plainly evince these Hostilities to be the effect of some concerted Plan, which, whether so extensive or not as was at first apprehended, has nevertheless been attended with all the bad effects that could have resulted from a general Combination, the loss of lives only excepted, in as much as from a Dread of being cruelly butchered, the miserable People throughout almost the whole Frontiers of the Province have been induced to desert their Settlements with the utmost Precipitation, together with all their Worldly Substance, and to take refuge in the interior Parts, where it cannot but be extremely burthensome to the Inhabitants to support them.

"Under these Circumstances, repeated Applications have been made to me for Succour, on behalf of those who are now become

the Frontier Inhabitants, in order to enable them to make a stand, and repel the Enemy, in case they should be attacked, as well as to cover the Reapers in the time of their approaching Harvest, by means whereof they are in Hopes of being able to secure a considerable part of the Crop now in the Ground, which is absolutely necessary for the subsistence of the Country.

"But as it is not in my power to afford them an effectual aid, without the assistance of your House, I have called you together, to give you an opportunity of consulting and providing for the Publick good & safety, and do most earnestly press you, that you will, with as little Loss of time as possible, enable me to raise a Body of Men for the purposes aforesaid, as well as do every other thing that may be thought necessary for the protection of the Country at this dangerous and critical Juncture.

"His Excellency Sir Jeffery Amherst, Commander-in-Chief of His Majesty's Forces in North America, hath done, and is now doing everything in his power for securing the important Posts to the Westward, and to that end, hath sent thither as considerable a Body of regular Troops as the present weak state of the Army under his Command will admit of. But as the full protection of so extensive a Frontier will require a much greater number of Men than he can possibly spare, you will see by his Letter of the 25th of June, which I now lay before you, what it is he expects we will do for our own Defence. And as every particular therein appears to me extreamly reasonable, & even absolutely necessary, I beg leave to recommend the Contents to your immediate Consideration & Compliance; And in particular, that you will forthwith pass a Bill for compelling the Inhabitants to furnish Carriages, &c., for His Majesty's Service; as, without such an authority, it will be difficult, if not impracticable, to transport such quantities of Provisions and Stores as may be necessary for the Subsistance & Preservation of the King's Garrisons.

"I have only to repeat my Request, Gentlemen, that whatever you shall think proper to do upon this occasion, may receive all the Dispatch the Nature of the thing is capable of, as I am apprehensive that without some speedy Encouragement on the part of the Legislature, the Frontier Settlements will be entirely abandoned, and left a prey to the Enemy.

"JAMES HAMILTON.

"July 4th, 1763."

A Letter from General Amherst to the Governor.

"NEW YORK, June 12th, 1763.

"Sir:

"On the Intelligence received from Col. Boquet, of the bad Intentions of the Indians, I have thought it necessary to send two Companies, under the Command of Major Campbell, towards Philadelphia, that the Col. may employ them as he may judge best on the Communication. It is particularly inconvenient at this time, when I am in hourly expectation of receiving Directions from Home, for the general Arrangement of the Troops in this Country, but I could not hesitate a moment in sending what assistance I can spare, when the Inhabitants seem to be in Danger from the attempts of the Savages.

"Colonel Boquet acquaints me that you intended to apply to your Council for some Men to send to the support of the Garrison of Fort Augusta, & I flatter myself your application will be attended with success. Surely if the Province have the least Regard for their fellow Subjects, they will chearfully lend their assistance at a time when there appears real Danger from a sett of Savages, who shew no Mercy in their Depredations.

"I am, with great Regard, Sir,

"Your Most Obed^{t} Hum^{e} Serv^{t},

"JEFF. AMHERST."

A 2nd Letter from General Amherst to the Governor.

"NEW YORK, June 25th, 1763.

"Sir:

"As it now appears from the Intelligence received from all Quarters, that the Indians seem determined to push their Depredations, owing, I suppose, to some advantages they have gained over Straggling parties of Traders, and a false hope of the Detroit and the upper Posts being cut off, I think it my Indispensable Duty once more to renew my Instances with you, to lose no time in calling your Assembly, & pressing them to enable you to raise, with the utmost Dispatch, a Body of Men to be employed in the Defence and protection of the Frontiers.

"Capt^{n} Curry writes me that there are many of the Inhabitants near Bedford, who are ready to enter into the Provincial Service. Should you be enabled to issue Commissions, which I hope you will be, no time should be lost in sending proper Orders for recruiting those Men, as well as for forwarding any others that may enlist as fast as raised, to the Communication above.

"I find Mr. Croghan has very judiciously engaged twenty-five Men to Garrison Fort Littleton, and I make no doubt but the Pro-

vince will readily defray the Expence of those Men, so long as it may be judged necessary to continue them.

"There is one thing more which I have to lay before you; I mean the necessity of procuring a Law to compel the Inhabitants to furnish Carriages, as Colonel Bouquet writes me, without such an Authority, he despairs of being able to get on with the Troops, & such a quantity of Provisions as will be absolutely necessary for their Subsistance. This, therefore, will admit of no Delay, and I am persuaded you will give it the utmost dispatch, that this most essential Service may not be retarded when it is in the power of the Legislature to remove the Difficulty.

"I am with great Regard, Sir,

"Your most Obed^{t} hum^{b} Servant,

"JEFF. AMHERST."

—

6th July, 1763.

The Governor laid before the House a Letter received by Express from Col^{o} Bouquet, at Carlisle, which follows in these words:

"Sir:

"I am sorry to acquaint you that our Posts at Presque-Isle, Le Beuf, and Venango, are cut off, and the Garrisons Massacred by the Savages, except one Officer & Seven men, who have escaped from Le Beuf. Fort Pitt was briskly attacked on the 22nd; had only a few Men killed & wounded, & dispersed the Enemy. Fort Ligonier has likewise stood a vigorous attack, by means of some Men who reinforced that small Garrison from the Militia of Bedford. The Indians expect a strong Reinforcement to make new attempts on these two Post.

"If the Measures I had the Honour to recommend to you in my Letters of Yesterday, are not immediately put into Execution, I foresee the Ruin of the part of the Province on this side Susquehannah, & as York County would be covered by Cumberland, I think they ought to join in assisting to build some Posts, and saving the Harvest. It would not be less necessary to send immediately arms and Ammunition to be distributed to the Inhabitants to defend their Reapers.

"I have the Honour to be, Sir,

"Your most Obed^{t} Humble Serv^{t}

"HENRY BOQUET."

Thursday, 7th July, 1763.

Two Members of Assembly waited on the Governor with a Copy of two Resolves made by the House, which are as follows, viz^{t}:

"In Assembly, July 6th, 1763, A. M.

"The House resumed the Consideration of the Governor's Message, which, with the several Letters of Intelligence attending it, was read again, and after some time spent therein,

"*Resolved*,

"That it be recommended to the Governor and Provincial Commissioners, to take into the immediate pay of this Province, any number of the Back Inhabitants and others, not exceeding Seven hundred men, exclusive of those already in the service of the Government, to be divided, stationed, & employed in protecting the Frontier Inhabitants, within the purchased parts of the said Province, during the time of Harvest, or until the next Meeting of this House.

"*Resolved*,

"That if the sum of Money now remaining in the Publick Treasury, should prove insufficient to defray the Expence of raising the aforesaid Number of Men, this House will, with the Assent of the Governor, supply the Deficiency at their next Meeting.".

At a Council held at Philadelphia, on Friday the 8th July, 1763.

PRESENT:

The Honourable JAMES HAMILTON, Esq^{r}, Lieut^{t} Governor, &c^{a}.

Richard Peters, Benjamin Chew, } Esq^{rs}
Thomas Cadwalader, }

The Governor laid before the Board two Bills, which the House sent up for His Honour's Concurrence, vizt.:

"An Act for regulating the Hire of Carriages to be employed in His Majesty's Service."

"An Act for regulating the Officers and Soldiers in the pay of this Province."

And the same being read & approved, were sent by the Secretary to the House, with the Governor's assent. His Honour at the same time sent the following Message to the House, viz^{t}:

A Message from the Governor to the Assembly.

"Gentlemen:

"In the course of the present Year a great deal of Publick Business hath been transacted by me, and, I believe, as many useful Laws

enacted as by any of my predecessors in the same space of time, yet I have not understood that any Allowance hath hitherto been made to me for my Support, as hath been customary in this Province. I therefore beg leave to recommend this matter to your Consideration.

"JAMES HAMILTON.

"July 8th, 1763."

The House then sent two Members to the Governor, to know at what time His Honour would be pleased to pass the said Bills; And the Governor desired them to acquaint the House that he should be ready in the Council Chamber at Half an Hour after 12 this afternoon, for that purpose.

—

EODEM DIE, 12½ o'Clock.

The Governor, by His Secretary, acquainted the House that he waited in the Council Chamber, & required their attendance there, in order to pass the Bills, which had received his assent. The Speaker & the whole House attended accordingly, & presented to the Governor the Bill entituled "An Act for regulating the hire of Carriages to be employed in his Majesty's Service," And a Bill entituled "An Act for regulating the Officers and Soldiers in the pay of this Province;" which His Honour enacted into Laws, & signed Warrants for affixing the Great Seal thereto. The Laws were ordered to be deposited in the Roll's Office after they were Sealed.

Mr. Speaker then presented to the Governor a Certificate for £500, towards his Support for the Current Year, for which His Honour thanked the House.

The House adjourned to Monday the 12th September next.

At a Council held at Philad^{a} on Monday, the 25th July, 1763.

PRESENT:

The Honorable JAMES HAMILTON, Esquire, Lieutenant Governor, &c^{a}

William Logan, Richard Peters, } Esquires.
Joseph Turner, Thomas Cadwalader, }

The Governor having received by the Pitt Pacquet, from the Right Honourable the Earl of Egremont, one of His Majesty's principal Secretaries of State, the King's Proclamation of the Peace, with His Lordship's Letter, dated at Whitehall, 26 March, 1763, signifying His Majesty's Commands to have the same published in all proper places within his Government, laid them before the Board, which were read, and are as follow, viz^{t}:

A Letter from the Right Honourable the Earl of Egremont, to the Governor.

"WHITEHALL, 26th March, 1763.

"Sir:

"His Majesty having been pleased to order the Peace to be proclaimed in the usual manner on Tuesday last, I have the King's Commands to transmit to you, herewith inclosed, the Proclamation issued on that occasion, & am to signify to you His pleasure that you cause the same to be published in all the proper places within your Government, To the End, that all His Majesty's Trading Subjects do take notice of His Royal Will and Pleasure therein, and conform themselves thereto accordingly.

"I am, with great Truth & Regard, Sir,

"Your most Obedient Humble Servt.

EGREMONT,

"Lt. Govr. of Pennsylvania."

—

"*By the King.*

"A PROCLAMATION.

"GEORGE R.

"WHEREAS, a definitive Treaty of Peace & Friendship between Us, the Most Christian King, & the King of Spain, to which the King of Portugal hath acceded, hath been concluded at Paris, on the tenth day of February last, & the Ratifications thereof have been exchanged upon the tenth day of this Instant March; In Conformity thereto, We have thought fit, hereby, to Command that the same be published throughout all our Dominions; And We do Declare to all Our Loving Subjects our Will and Pleasure, That the said Treaty of Peace and Friendship be observed inviolably, as well by Sea as Land, and in all places whatsoever; strictly charging & commanding all our Loving Subjects to take Notice hereof, & to conform themselves thereunto accordingly.

"Given at our Court at St. James's, the twenty-first day of March, one thousand seven hundred and sixty-three, in the Third Year of our Reign.

"GOD SAVE THE KING."

—

His Honour also laid before the Council, the Draught of a Proclamation to be issued here, which was read and approved, and it was agreed that the same should be published at the Court House,

this day at 12 o'Clock, and printed in the Pennsylvania Gazette and Journal. The Proclamation follows in these words, viz^{t}:

"*By the Honourable JAMES HAMILTON, Esquire, Lieutenant Governor, & Commander-in-Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, and Sussex, upon Delaware.*

"A PROCLAMATION.

"WHEREAS, His Majesty hath lately been graciously pleased to issue his Royal Proclamation in the words following, viz^{t}:

"George R.

"*Whereas*, a Definitive Treaty of Peace and Friendship between us, the most Christian King, & the King of Spain, to which the King of Portugal hath acceded, hath been concluded at Paris, on the 10th day of February last, and the Ratifications thereof, have been exchanged upon the tenth day of this Instant, March; In Conformity thereunto, We have thought fit hereby to command that the same be published throughout all our Dominions; And we do declare to all our loving Subjects our Will and Pleasure, that the said Treaty of Peace and Friendship be observed inviolably, as well by Sea as Land, & in all places whatsoever, strictly charging & commanding all our loving Subjects to take notice hereof, and to conform themselves thereunto accordingly.

"*Given* at our Court, at St. James's, the twenty-first day of March, one thousand seven hundred & Sixty-three, in the third Year of our Reign."

"*And Whereas*, A Copy of the said Proclamation hath been transmitted to me by the Right Honourable, the Earl of Egremont, one of his Majesty's Principal Secretaries of State, who hath signified to me that it is His Majesty's Will and Pleasure, that the same should be published at all the proper places in my Government; I have, therefore, in Obedience to the Royal Order signified to me as aforesaid, with the advice of the Council, caused the said Proclamation to be this day published, and do hereby strictly charge and command all his Majesty's Subjects, within this Province, to take notice of His Royal Will and Pleasure therein, and conform themselves thereto accordingly.

"*Given* under my hand, and the Said Province of Pennsylvania, at Philadelphia, this twenty-fifth day of July, in the third year of the Reign of our Sovereign Lord, George the third, King of Great Britain, France, & Ireland, &c., & in the Year of our Lord, 1763.

"JAMES HAMILTON.

"By his Honour's Command,

"JOSEPH SHIPPEN, Jun^{r} Secretary.

"GOD SAVE THE KING."

The Governor then laid before the Board the following Letter from the Lords of Trade, dated Whitehall, April 29th 1763, signified His Majesty's pleasure that a Day of thanksgiving be observed within this Government, on the happy conclusion of the Peace; which being read, His Honour appointed Tuesday the 9th of August next, to be set apart for that purpose, a Proclamation of the same be accordingly prepared and approved, was ordered to be published in the Pennsylvania Gazette and Journal:

A Letter from the Lords of Trade to the Governor.

"WHITEHALL, April 29, 1763.

"Sir:

"The King having judged it proper that a Publick Thanksgiving to Almighty God should be observed throughout all His Majesty's Colonies in America on the happy Conclusion of the Peace, We have received His Majesty's Commands to signify to you His Royal Pleasure that you do, upon receipt of this Letter, appoint a proper and early day of Thanksgiving, to be observed by all His Majesty's good Subjects under your Government, in such manner and with such Forms of Prayer as have been usual on like Occasions.

"We are, Sir,

"Your Most Obed^{t} hble Servants,

"GEO. RICE,
"ORWELL,
"BAMBER,
"E^{D} BACON,
"SHELBURNE,
"SOAME JENYNS,
"GASCOYNE,
"JOHN YORKE.

"JAMES HAMILTON, Esq^{r} Dept^{y} Gov^{r} of Pennsylvania,"

—

By the Honourable JAMES HAMILTON, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, & Counties of New Castle, Kent, and Sussex upon Delaware

"A PROCLAMATION.

"WHEREAS, our Most Gracious Sovereign, from a Tender Regard to the Welfare and Happiness of His Subjects, and from a sincere and humane desire of putting a Stop to the Effusion of Christian Blood, hath been pleased to make, ratify and confirm a Treaty of Peace & Friendship with their most Christian and Catholic Majestys, the Kings of France and Spain; *And Whereas*, His

Majesty, from a deep sense of the goodness & protection afforded him by Almighty God, in the success with which His Fleets and Armies have been blessed in the Course of the late War, hath thought fit to order and command that days of Public & General Thanksgiving should be observed with due solemnity in every part of His Dominions, To the intent that all His Loving Subjects may have proper Opportunities of lifting up their Hearts and Voices in Acts of Gratitude and praise to the only giver of all Victory. I have, in Obedience to the said Royal Order, with the advice of the Council, ordain and appoint, and do hereby ordain and appoint, that Tuesday, the Ninth day of August next, be set apart and observed throughout this Province, & the Counties of New Castle, Kent, and Sussex on Delaware, under my Government, as a Day of Publick prayer, Praise and Thanksgiving to Almighty God, for His unspeakable Blessings bestowed upon us throughout the Course of a long and bloody War, and for bringing the same to an happy Issue, by the Re-establishment of Peace on Terms of Glory to His Majesty, and of solid and Permanent Advantage to His Subjects in all Quarters of the World.

"And I do recommend it to the Ministers & Preachers of the Gospel, of all Denominations, to compose suitable Prayers & Sermons on this truly happy & Solemn occasion, and do require the said Ministers to Publish this Proclamation to their respective Congregations, on one of the Sundays preceeding the said Day of Public Thanksgiving.

"*Given* under my hand & the Great Seal of the said Province of Pennsylvania, at Philadelphia, this twenty-fifth day of July, in the third Year of the Reign of our Sovereign Lord, George the third, King of Great Britain, France, and Ireland, &c^a. And in the Year of our Lord, one thousand seven hundred & Sixty-three.

"JAMES HAMILTON.

"By his Honour's Command.

"JOSEPH SHIPPEN, Jun^r. Secretary.

"GOD SAVE THE KING."

Eodem Die, at 12 o'clock.

The Governor and Council, preceeded by the Sheriff & his Officers, and attended by the Mayor, Recorder, Aldermen, & Common Council, & accompanied by the Clergy and several of His Majesty's Officers of the Army and other Gentlemen, went in Procession to the Court House, where His Honour's Proclamation of the Peace was read by the Secretary, with the usual Solemnity, in the presence of a Great Concourse of People. On this occasion the Bells

of Christ Church were rung, and a Royal Salute fired by the Guns of the Battery.

At a Council held at Philadelphia on Monday the 12th September, 1763.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, Lieutenant Governor, &ca.

William Logan & Richard Peters, Esquires.

The Assembly at their last Meeting having adjourned to this day, the Governor prepared and laid before the Board the following Message, which was read and approved, and the Secretary was ordered to carry it to the Assembly as soon as they should make an House.

A Message from the Governor to the Assembly.

"Gentlemen:

"Agreable to the Resolve of your House of the 6th of July last, I have, with the Concurrence of the Provincial Commissioners, taken into the Pay of this Province Seven hundred Men, exclusive of those which compose the Garrison of Fort Augusta, for the defence and protection of our Frontiers, against the Incursions of our cruel and barbarous Enemies the Indians; And I have the satisfaction to acquaint you, that under the aforesaid protection, great part of the Harvest, which is of so much Importance to the back Inhabitants, hath been gather'd in, and as well secured as the Season of the Year would admit. It cannot, however, from its Situation, but be continually exposed to the Danger from the Enemy, until it shall be threshed out, and transported to the interior parts of the Province; a Task which the unhappy Owners represent themselves unable to perform, without the further assistance of the Government.

"Although for the two last Months, Gentlemen, We have been so happy that our Frontiers have been very little, if at all, infested by the Enemy; yet ought we not from thence to conclude that this favourable Respite hath been owing either to Remorse for the cruelties they have already exercised, or to any desire of reconciling themselves to us, of which no Overture has hitherto been made, that I know of, but solely to their ardent desire of pursuing & cutting off the Convoy that was marching under the Command of Col° Bouquet, to the relief of Fort Pitt, then closly besieged by their Friends & Allies; but having, happily for us, miscarried in that attempt, and been repulsed & defeated with considerable Loss, through the good Conduct & Abilities of the Commanding Officer, & the Bravery of His Majesty's Troops; and thenceforth despairing

to reduce that important Fortress by Famine, as they had vainly immagined, there is the greatest Reason to expect that, so soon as they shall find themselves sufficiently reinforced, they will renew their Hostilities against our Frontiers with redoubled Force.

"It is therefore, in my Opinion, of the greatest Consequence that a number of Troops should be still kept on Foot for the protection of the Frontier Settlements, In Hopes that e'er long some general Measures will be fallen on by the Colonies, for the Carrying on the War with Vigour, and attacking the Enemy in their own Country, in order thereby to bring it to a speedy Determination.

"And as the time limited by the aforesaid Resolve of Assembly, for retaining the Troops in pay, is nearly expired, I do now earnestly recommend it to you, either to renew the said Vote for a longer time, and with greater Latitude to the Orders of the Governor and Commissioners, or to devise some other Measure, which shall appear to you more effectual, both for the Protection of our own People, & for the Annoyance of the Enemy, and, in particular, to provide a sufficient Fund for supporting the heavy expence that does of necessity attend military Operations; In doing of all which you may be assured of my hearty Concurrence and Assistance, so far as is consistent with my Honour and the Trust reposed in me.

"JAMES HAMILTON.

"September 12th, 1763."

—

Friday, P. M., the 16th September, 1763.

Two Members of Assembly having waited on the Governor this forenoon, to acquaint him that a Sufficient number was met to make a House, & they were ready to proceed on any Business his Honour had to lay before them; the Secretary, by His Honour's directions, carried the Message of the 12 Inst^t. to the House, with a Verbal Message, "That the Governor intended the Message should have been delivered on the day to which the House adjourned, and since that time, His Honour had received two Letters of Intelligence from Jonas Seely, Esq^r." which he then laid before the House, & are as follow, vizt.:

A Letter to the Governor from Jonas Seely, Esqr.

"SINKING SPRING, Sept. 10th, 1763.

"Honoured S^r:

"I am sorry I have to acquaint your Honour of the follow^g Melancholly accounts, which I received by Express from Capt^n. Kern, last night; on the Eighth Instant a party of Indians came to the House of one John Fincher, about three quarters of a mile distant from a party of Capt^a Kern's Men, commanded by Ensign Sheffer;

they killed Fincher, his Wife, & two of his Sons; his Daughter is missing; one little Boy made his Escape from the Savages, and came to the Ensign, who immediately went to the place with his Party. But the Indians was gone, and finding by their Tracts which way they went, pursued them to the House of one Nich^{s} Miller, where he found four Children murdered; Our Party still pursued, and soon came up with the Enemy, & fired on them. They returned the fire, But the Soldiers rushed on them so furiously that they soon ran off & left behind them two prisoners, two Tomahawks, one Hanger, and a Saddle; the Indians were eight in number, and our party seven; three of the Enemy was much wounded. The two prisoners which our Party recovered, was two of said Miller's Children, which they had tied together, and so drove them along. Miller's Wife is missing; in all, there is eight killed & two Missing in that neighborhood.

"I am, Honoured Sir,

"Your most Obedient humble Servant,

"JONAS SEELY."

A second Letter to the Governor from Jonas Seely, Esquire.

READING, Septem^{r} 11th, 1763.

"Honored Sir:

"This Moment, at Reading, as I was sending off the Express, certain Intelligence came, that the House of Frantz Hubler, in Bern Township, about 18 Miles from here, was attacked on friday Evening last, by the Indians; himself is wounded, his Wife and three Children carried off, & three other of his Children Scalped alive, two of whom are since dead.

"I am, Honoured Sir,

"Your most Obedient humble Servant,

"JONAS SEELY."

At a Council held at Philadelphia, in the State House, on Saturday, the 17th September, 1763.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, Lieutenant Governor, &ca.

William Logan, Benjamin Chew, } Esquires.
Richard Peters, Thomas Cadwalader, }

John Curtis, }
Sam. Curtis, } Nanticoke Indians.
Jemmy Nappire, }

John Curtis, addressing himself to the Governor, spoke as follows:

"Brother:

"I thought, when I came here, that there would have been an Interpreter in Town, and as I do not speak English well, I am afraid I shall not be understood.

"Brother:

"Listen to the Wighalousin Indians. Papounan sends a Message by me, to the Governor, in behalf of them.

"Brother:

"We do not understand why there should be any Differenee between us. We have considered this matter well, and are surprized at the Disturbances that have lately been made by other Indians. We cannot see that there is the least Reason that there should be any Difference between our Brethren, the English, & ourselves, the Wighalousin Indians, for when we look all around us, we cannot find the least Cause given; the English have always used us well. And as to us, the Wighalousin Indians, we do not concern ourselves with any thing but the Worship of God.

"Brother:

"We remember, very well, the Message you sent us by our Brother Teedyuscung, about three Years ago. The Message was very agreeable to us. After he had delivered it he left us, and went further up into the Country. And there were some of our People who had purchased Prisoners and Horses that the other Indians had taken from the White People, And, as that Message was so agreeable to us, we brought down, & delivered up all the Prisoners and Horses to the Governor, and cleared ourselves of them entirely. The Governor knows this, and remembers it well.

"Brother:

"After the Treaty two Years ago, as the Indians were returning home, a Delaware Indian was killed a little above Hays's. As soon as this news reached the Indian Country, some of his Relations were so exasperated, that four of them immediately sat off and came down with an intention to kill some of the White Folks. On their way, they called at Wighalousin & stopt there. When they informed us of their design, the Indians of Wighalousin, Men, Women, & Children, did all in their power to disswade them from it, & joined in a Collection of Wampum & delivered it to them to pacify them, on which they returned home. Papounan & the Wighalousin Indians, sent a message to you, our Governor, to acquaint you with what they had done. We hope you will remember it well. You told us, in answer, You were much pleased with the Steps we had taken to prevent this mischief, and assured us, whenever you heard of any mischief designed against us, you would acquaint us with it. This pleased us so much, & whenever we

think of it it makes us easy and satisfied, as we think we can depend upon you. And since that, we have minded nothing else but the religious worship of God."

Gave a String.

"Brother:

"I am now going to deliver a Message from Indians of several different Nations, as follows:

"The Oneidas, Tuscaroras, Delawares, and Munseys, living at Onohoquagey.

"Nanticokes, and Conoys, Onondagoes, & Mohickons, at Chenango.

"Cayugues & Munsies, at Chokenote.

"And a few Shawanese, at Awaigah.

"Brother, Listen us to Us:

"All these Nations have but one Mouth, & speak now as one Man. They have appointed the Nanticoke King to speak in behalf of them all.

"Brother:

"We have been councelling twelve days in the Nanticoke Town, and have joined together so as to make one. We have heard of the Disturbances you have had with other Indians; But we are all inclined to be at Peace, and are resolved to preserve it, and keep fast hold of the Chain of Friendship. We are very sorry to hear of the disturbances to the Westward. We do not know what the great Western Nations intend to do. We are afraid perhaps, they may all join together to make War against the English.

"When I came away, all these Nations sat off to go to Sir William Johnson, to hold a Treaty with him; and when they return, they will inform us of every thing that may be settled and agreed on, and then we shall acquaint you with it.

"This Council, as they knew Papounan was disposed to peace, desired him to acquaint the Governor with their Resolutions."

Gave a White String.

"Brother:

"The reason of this Council's meeting, was on account of two Belts of Wampum, sent by Sir William Johnson to Onohoquagey & Chenango, by which he informs the Indians there that he had formerly opened a Road to those two Towns, but that now the Bryers and Weeds were grown so high that the Roads could scarcely be seen; that he now cleared the Road again in such a manner that as he sat in Council at home he could see them, and as they sat in Council they might also plainly see him; That the Governor of New York, who was the greatest of all the Governors, had directed him to send those two Belts, to desire them to sit still and lie quiet, as they always had done; that he always observed whenever other Indians were uneasy, and making Disturbances all around them, they, the Nanticokes and Conoys, were always quiet

& peaceable; that he hoped they would continue so, and assured them he would take them into his Arms and protect them, and that it was in his power to do so. It was on this account that the Indians held their late Council, and were sit out to give an answer to those two Belts.

"Brother:

"The Message you sent us lately, with a Belt and two Strings of Wampum, was delivered at Wighalousin, and our King there joined another String to the Belt, and sent it to Atsentsing. The two Strings were sent to the Nanticokes; when it came there, their King joined another Belt to them, and sent them to the Onondagoes, and they sent them to the Seneca Town. The Senecas could not understand the meaning of them, as they could not read the written Message that came with them. There was an Indian Trader there at that time, who read the Message very well in English, but as he did not speak the Mohawk Language, but here and there a word, he could not interpret it to them; And as they could find no means of understanding it, they took it with them to Sir William Johnson, that he might explain it to them."

He said he had now finished what he had in Charge, on which the Governor told him he would speak to him the beginning of next Week.

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Monday, P. M. 19th September, 1763.

By the Governor's directions the Secretary laid before the House the Minutes of a Conference held with the Nanticoke Indians, from Wighalousin, on Saturday last, and also an Estimate of the pay due to the Pennsylvania Forces, and of the Sums accruing on account of their Subsistence, Provisions and Bounty, from the time of their Enlistment to the Sixteenth Instant inclusive.

Wednesday, 21st September, 1763.

The Governor sent to the House, by the Secretary, a written Message, founded on a Letter he had lately received from Messrs. Sargent, Aufrere, and Barclays, inclosing Stipulations agreed to and signed at a Meeting in London, the 19th May last, of the several Agents employed to receive the Money voted by Parliament to the Colonies of North America, for services performed by them, in the Year 1760, which were laid before the House. The said Stipulations and Message follow in these Words, viz^{t}:

"At a Meeting in London, the 19th day of May, 1763, of the several underwritten Agents empowered to receive the money voted

by Parliament to the Colonies of North America for the Services performed by them in the Year 1760, to witt:

"For Massachusetts Bay, Jasper Manduit, Esquire.
"New Hampshire, John Thomlinson, Esq^r.
"Rhode Island, Joseph Sherwood, Esq^r.
"Connecticut, Richard Jackson, Esq^r.
"New York, Rob^t. Charles, Esq^r. for Sir W^m. Baker & himself.
"New Jersey, Henry Drummond, Esq^r. for Drummond & Co.
"Pensilvania, Jn^o. Barclay, Esq^r. for Mess^rs. Aufrere, Serjeant, & Barclay.
"Virginia, Edward Montague, Esq^r.

The several following Papers were read & taken into Consideration, to witt:

"A Certified Copy under the hand of one of the Secretaries of the Treasury of General Amhurst's Return of the Troops furnished by those Colonies for the Year 1760, in these words:

"Return of the Troops furnished by the several Provinces in North America, for the Publick Service, in the year 1760:

"Provinces or Colonies.	Number of Men voted to be levied, Clothed and paid.	Number of Men actually raised & took the Field.
"New Hampshire,	800	796
"Massachusetts Bay,	5500	4964
"Rhode Island,	1000	952
"Connecticut,	5000	3397
"New York,	2680	2468
"New Jersey,	1000	935
"Pennsilvania,	2700	1350
"Maryland,		
"Virginia,	1000	1000
"North Carolina,	500	
"South Carolina,		

"These are to certify the Right Hon^ble. the Lords Commiss^rs of of His Majesty's Treasury, that the above is a true state of the respective Quotas of Men raised by the several Provinces on the Continent of North America, in consequence of His Majesties Requisition for the service of the Year, 1760, as nearly as the numbers can be ascertained from the struggling manners in which the Provincials take the Field; The Province of Carolina did make Provision for raising 1000 men for the Expedition against the Cherokees, under the Command of Colonel Montgomery, but there were very few raised, the numbers not exceeding 30, exclusive of a Corps of Rangers consisting of about 500 Horsemen, which were in the pay of the Province, and principally employed in escorting Provisions, &ca., to the Army and out Posts.

"JEFF. AMHERST.

"A true Copy.—C. JENKINSON."

A certified Copy, in like manner, of an Extract of a Minute of the Treasury Board, bearing date the 18 day of June, 1762, in these words:

"Whitehall Treasury Chamber, 18th June, 1762.

PRESENT:

"Sir Francis Dashwood,
"Lord North,
"Mr. Oswald.

"Read a Letter from Rob^t. Wood, Esq^r. of Lord Egremont's Office, stating that there is no exact account and regular Return made to Lord Egremont's Office, but that it appears, by General Amherst's Correspondence, that the number of Troops demanded by General Amherst of the Provinces were the same as in 1759, and the Services pretty much the same; General Amherst's correspondence being indefinite, and some of the Agents insisting that their Colonies sent more Troops in proportion to the rest, in 1760, than they had done in the Year 1759.

"My Lords direct that General Amherst be wrote to for his certificate, which must be the Rule of this Apportionment, unless the Agents can agree amongst themselves as to the number of Troops, and Times in which they were employed.

"A true Copy.

"J: DYSON."

A certified Copy, in like manner, of the Letter of the Agents to Samuel Martin, Esq^r. then one of the Secretaries of the Treasury, dated the 25th June, 1762.

LONDON, 25 June, 1762.

"S^r.:

"In obedience to the command of the Right Hon^ble the Lords Commiss^rs. of His Majesty's Treasury, signified by your circular Letter of the 21st Instant to the Agents of the Colonies of North America, touching the distribution of the 200,000 Pounds granted by Parliament in 1761, as a Compensation to the said Colonies for the Troops raised, clothed, and paid by them respectively, in the Year 1760. We, whose names are underwritten, have mett & considered what has been recommended to us by your said Letter, and as it appears to us that the Services performed by our respective Colonies in the Year 1760, was exactly similar to that of the preceding year, We are humbly desirous that their Lordships may order the appointment of the Money granted for the Year 1760, in the like manner as was done in the Year 1759, and in case, from the return of General Amherst, any inequality should appear in this apportionment, we are willing and contented that out of the Money to be granted for the Year 1761, such inequality be adjusted

and settled at the good pleasure of their Lordships, to which we readily submit ourselves, and are, with great Regard, Sir,

"Your most Obedient Servants,

"For New York,	R. CHARLES.
" New Hampshire,	JOHN THOMLINSON.
" Connecticut,	R^D. JACKSON.
" Pensilvania,	GEO. AUFRERE. JOHN BARCLAY.
" New Jersey,	AND. DRUMMOND & CO.
" Rhode Island,	JOS^PH. SHERWOOD.
" Massachusetts,	JASP^R. MAUDUIT.

"A true Copy.
"C. JENKINSON."

Whereupon, it being Observed that the Apportionment made by the Treasury Board to the respective Colonies for the Year 1760, differs materially from that which would have been made under General Amherst's Return, which the Lords' Commissioners of the Treasury, by the extract of their minute above mentioned, consider as the rule of Apportionment, & according to which, therefore, the Agents, by their Stipulation in the above recited Letter, have engaged to adjust the inequalities that might arise on their Lordships' issuing, at the request of the said Agents, the Money voted for the Service of 1760, upon the footing of the preceding Year, the Exigencies of several Colonies requiring that the Distribution should not be delayed, because if the said Agents had not so agreed, their Lordships would have waited for the said Return, and upon receit of it would thereby have governed their Apportionment.

A Calculation was then presented, read & examined, whereby it appears that on the said Distribution there has been overpaid:

To Connecticut - - - - -	£ 3,619 12
Pensilvania - - - - - -	10,947
Making together, - - - - -	14,566 12

And that the Proportion of the said sum becoming due and payable to the Six other Colonies is thus:

	From Connecticut.	*Pensilvania.*	*Totals.*
To Massachusetts Bay,	461 13 6	1396 6 6	1858
New Hampshire,	167 4 6	505 18 6	673 3
Rhode Island,	631 12 0	1910 3 0	2541 15
New York,	1444 7 6	4368 2 6	5812 10
New Jersey,	581 0 0	1757 3 0	2338 3
Virginia,	333 14 6	1009 6 6	1343 1
	3619 12 0	10,947 00 0	14,566 12

The Agent for the Colony of Connecticut acknowledged that in consequence of the Stipulation made by the said Letter, the demand founded thereupon from the said Colony, appears to him to be just, and ought to be discharged out of the Money to be issued to that Colony, for the Service of the Year 1761, at the good pleasure of their Lordships of the Treasury, if to them it shall so seem meet.

The Agents for Pensilvania making the like acknowledgment of the Justice of the said demand made upon them in behalf of the said Colony, represented that they were informed that General Amherst, in his return for the Year 1761, has not mentioned any Troops as furnished by Pensilvania, and consequently, if that Return governs the ensuing distribution, no part thereof will fall to the share of that Province; that the whole sum which had been issued to them for the Year 1760, was nearly drawn for from Pensilvania, & thereby they had it not in their power to make good the Stipulation in the said Letter mentioned, but that they had such faith and Confidence in the Honour of the Colony they served, and believed that the engagement of their Agents would be so punctually discharged, that they were ready and willing to come into any reasonable & equitable proposition that may be satisfactory.

Whereupon, it was proposed, and upon deliberate Consideration, unanimously agreed that the Agents of Pensilvania do forthwith represent this matter to their Constituents, praying them that for the Honour of the said Colony, and for supporting the Credit of their Agents, Order might be taken to pay over in America, as soon as may be, to the Treasurers of the respective Colonies above mentioned, or to other Persons thereunto authorized, the said sum of £10,947 Sterling, in the proportions before stated.

Whereof, all the said Agents are to apprize their respective Constituents, transmitting to them a Copy of this minute. In Faith and Testimony of which transaction, the said Agents have hereunto set their hands, in Order to be deposited, if need be, at the Treasury Board, and to eight Duplicates of the same, to be transmitted to their respective Constituents.

"JASP$^{R.}$ MANDUIT,
"JOHN TOMLINSON,
"R$^{D.}$ JACKSON,
"HENRY DRUMMOND.
"R. CHARLES,
"J. BARCLAY,
For Serjeant Aufrere Barclay & Self.
"JOSEPH SHERWOOD,
"R$^{D.}$ JACKSON,
For Edw$^{d.}$ Montague, Esq$^{r.}$

A Message from the Governor to the Assembly.

"Gentlemen:

"I some time since received from Messrs. Sarjeant, Aufrere, & Barclays, the Agents appointed by this Province to receive the distributive Share of the money granted by Parliament for Services done by the Northern Colonies, the Letter and Inclosure herewith laid before you, in the last of which, it is alledged by the Agents of the other Provinces, and allowed by our own, that out of the Parliamentary Grant for the Year one thousand seven hundred and sixty, Pennsylvania hath received the sum of Ten thousand nine hundred and forty-seven Pounds Sterling more than its just Proportion, according to General Amherst's return of the Troops furnished by the Colonies for that Year, and that consequently, the said Sum ought to be paid over as soon as may be, to the Treasurers, or other Persons authorized by the respective Colonies to receive the same, according to the Proportions in a Calculation made for that purpose, and contained in the body of the said Inclosure.

"If, Gentlemen, on perusing and considering the above mentioned Papers, you shall find them (as I doubt not you will), to contain a true State of the case, according to the General's Return, I am perswaded there will not be occasion of many words to induce you to make immediate Provision for the Repayment, as is desired, of whatever we have received more than we are fairly intitled to, not only for the Satisfaction you will take in doing an Act of Justice to the other Colonies, but for discharging our aforesaid Agents of an Engagement they entered into on our Behalf, and which, it appears, they are very sollicitous to see punctually complied with. I, therefore, earnestly recommend this matter to your serious Consideration.

"JAMES HAMILTON.

"September 29th, 1763."

At a Council held at Philad^a. on Thursday, the 29th September, 1763.

PRESENT:

The Honourable JAMES HAMILTON, Esq^r. Lieut^t. Governor, &ca.

Richard Peters, Benjamin Chew, Esq^r.

A Bill entituled "An Act for striking and emitting the sum of Twenty-five thousand Pounds in Bills of Credit, and giving the same to the King's use, and for providing funds to sink the Bills so to be emitted, by continuing an Excise upon Wine, Rum, Brandy, & other Spirits, and by applying the Neat proceeds of the Stock and Effects now in the hands of the Commissioners for Indian Affairs,"

having been sent up to the Governor for his Concurrence, His Honour, aftering considering it, and finding it to contain a Clause directly repugnant to the Judgment and Detirmination of His late Majesty in Council, on Points of the same kind, laid the Bill before the Board, with other objections to it, and the following Message to the House, which was read and approved, and the Bill was ordered to be returned to the House with the Message.

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A Message from the Governor to the Assembly.

"Gentlemen:

"I observe by the Supply Bill sent up for my Concurrence, intituled 'An Act for striking and emitting the sum of Twenty-five thousand Pounds, & giving the same to the King's use, &c.,' That the sum of Twenty-five thousand Pounds in Paper Bills of Credit is directed to be struck and issued in lieu of Money, and that the said Bills are made a legal Tender in discharge of all Debts, Dues, and Demands whatsoever, although, at the same time, every body must be sensible that they are by no means equal to, but fall greatly short of the nominal value at which they are to be emitted. Hence it is that, with real concern, I find myself obliged to differ with you upon this head, and to remind you of certain Transactions before His late Majesty in Council, relative to an affair of precisely the same Nature with that under Consideration.

"You will be pleased, Gentlemen, to remember, that among the several Provisions in the Supply Bill of one thousand seven hundred and fifty-nine, to which your Proprietaries objected, one was, that the Bills of Credit to be thereby issued, were made a legal tender for the discharge of all Debts and Contracts whatsoever, at the rates at which they were emitted, by which they conceived themselves liable to great injustice in the payments of their Rents and Quit-rents, and thereupon made application to His Majesty in Council for Redress, And the Lords of the Council having heard, among others, the merits of the abovementioned Clause or Provision, fully canvassed and debated before them by learned Counsel on both sides, were pleased to report to His Majesty their Opinion that the said Act was fundamentally wrong and unjust, and ought to be repealed, unless certain Alterations and Amendments by them specified, could be made therein; Of which Alterations, that which principally relates to the present Bill, is to the Effect following, to wit: that instead of the Clause which makes paper Bills of Credit, at the rate they are emitted, a legal tender to the Proprietaries for their Rents, which are reserved in Sterling, the Provision should be, that the Payments by the Tenants to the Proprietaries, of their Rents, shall be according to the Terms of their respective Grants, as if such Act had never been passed. Upon which report of their Lordships

there is little room to doubt but the first mentioned Act would have been repealed at that time, had not your Agents, then in England, interposed, and prevented it by undertaking, by their Agreement, entered in the Books of the Privy Council, that (in case the said Act should not be repealed) the Assembly would amend it according to the Amendments proposed by the Lords of the Committee of Council in their Report of that day. Upon which said Undertaking, on Behalf of the Assembly, His Majesty was graciously pleased so far to rely as to permit the said Act to stand unrepealed.

"Having thus laid before you the proceedings of our Superiors in case exactly similar to that now before us, I may venture to appeal to yourselves whether, after so explicit a Declaration from His Majesty and His Privy Council, it can be reasonably expected of me to act in direct contradiction to their Judgment, and give my Assent to a Measure which, after the most mature Deliberation, they have pronounced to be wrong & unjust? Not to mention the very great inconveniences that might result to the Province, should I presume, in Contempt of His late Majesty's Decree, to pass this Bill into a Law, since it can scarcely be doubted but that application would immediately be made for its repeal, in the same manner as was done before, and with the greater Prospect of success for its having been passed in direct opposition to the declared Sentiments of His Majesty and His Ministers; And I leave it to you to judge of the Confusion that would ensue upon the Repeal of any of our Money Laws while the Bills are circulating in the hands of the People.

"I observe also, that, by the Bill now under Consideration, although the Indian Trade Commissioners are directed to dispose of the Goods and Effects in their possession, and to pay into the hands of the Provincial Treasurer the amount thereof in Bills of Credit, to the end they may be sunk and destroyed, yet, by a subsequent Clause, it is provided that the Money arising from that Fund is not to be actually sunk, but still to be kept on Foot, if the excise, together with the said Fund, does not produce, in Seven Years, sufficient to sink the twenty-five thousand Pounds to be emitted by the Bill, and pay all incidental Charges. You will please to remember, Gentlemen, that the sum of Fourteen thousand Pounds, was, by a late Law, taken out of the Money granted by Parliament, for the purpose of easing the People of the heavy taxes imposed upon them, and lent to the Indian Trade Commissioners, to enable them to carry on that Trade, hoping by that means to cultivate the Friendship of the Indians; But, as, by the unhappy War we are now engaged in with the Indians, all trade with them is at an end, and you yourselves are of Opinion there is no farther Occasion for that Fund, I cannot see how you can, consistent with the end for which the Parliamentary Grant was made, or indeed with Justice to the People, now avoid the sinking that Money, in case of their Taxes. The

Excise, itself, is sufficient to sink the Twenty-five thousand Pounds to be emitted by the present Bill, or, if it was not, you have made Provision for its continuing after the Term of Seven Years, until the said Sum shall be sunk.

"I must, therefore, entreat you, Gentlemen, to reconsider your Bill, and amend it in these particulars, so that I may, consistent with my Duty, be able to give my assent to it, and thereby do my Part for establishing a Fund so absolutely necessary at this Time, to enable us to protect our Frontiers, and to put a stop to the cruel and barbarous Depredations now carrying on by the Savages, against the Persons & Effects of our Inhabitants.

"JAMES HAMILTON.

"September 29th, 1763."

The Governor also laid before the Board a Bill sent up by the House, for his Concurrence, entituled "An Act to continue An Act entituled 'An Act for regulating and continuing the Nightly Watch, and enlightening the Streets, Lanes, and Alleys of the City of Philadelphia, & for raising Money to defray the necessary expence thereof," Which, being read and approved, was returned to the House, with a Verbal Message that the Governor agreed to it.

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Eodem Die, A. M.

The House again sent up the Supply Bill to the Governor by two Members, with a Verbal Message, that the House did not incline to make any Alterations in it, and requested that His Honour would pass it as it now stands.

—

4 o'Clock, P. M.

The Governor again returned by the Secretary, the Supply Bill, with the following Message to the House, viz^{t}:

A Message from the Governor to the Assembly.

"Gentlemen:

"I am extremely concerned to find, by your verbal Message of this day, that you decline amending your Bill for granting Money to the King, in the particulars by me pointed out to you.

"I beg leave before you separate, once more to recommend to your unprejudiced Consideration, the great Mischiefs which may ensue to the Province from your so tenaciously adhering to a measure that has been solemnly adjudged against you by His Majesty in Council.

"There has not been wanting, on my part, the most sincere disposition to perfect this Bill, by enacting it into a Law. But as you have not thought fit to accept of it, on such Terms as my Duty would allow me to pass it, I must endeavour, in case any misfortune should follow, to satisfy myself with the reflection, that nothing hath been proposed by me, but what hath appeared to me to be founded in Justice and Equity, and hath been so adjudged by the most explicit Declaration of the King and Council, on a Similar Clause in a former Bill of our Legislature.

"JAMES HAMILTON.

"September 29th, 1763."

—

Friday the 30th September, 1763, A. M.

The Governor having considered the two following Bills, sent up by the House for his Concurrence, returned them to the House by the Secretary with a verbal Message, that he gave his assent to them, viz^{t}:

"An Act for the erecting a Light House at the Mouth of the Bay of Delaware, at or near Cape Henlopen, for placing and fixing Buoys in the said Bay and River Delaware, and for appointing Commissioners to receive, collect & recover certain sums of Money heretofore raised by way of Lottery, and to appropriate the same to the purposes aforesaid;" and

"An Act to enable the Commissioners for paving the Streets of the City of Philadelphia, to settle the accounts for the Managers, and to sue for and recover from several Persons such Sums of Money as are now due and unpaid, on Account of the Several Lotteries set up drawn for paving the Streets of the said City."

—

Eodem Die, 5 o'Clock, P. M.

The Governor having again received the Supply Bill by two Members, this forenoon with a verbal Message from the Assembly that they had reconsidered the Bill, but declined making the Amendments proposed by the Governor, and desired he would give his assent to it as it stood; His Honour not thinking it consistent with his duty to pass it without the proposed Alterations, Ordered the Secretary to return the Bill and acquaint the House that he could not recede from the proposals he had made with respect to their amending it; And at the same time to inform them that he was waiting in the Council Chamber to receive the whole House in order to pass the Bills which had received his assent. The Speaker and the House accordingly attending in the Council Chamber, The Governor enacted the following Bills into Laws, and signed a Warrant for affixing the Great Seal thereto, viz^{t}:

1. "An Act to continue an Act entituled 'An Act for regulating and continuing the Nightly Watch, and enlightening the Streets, Lanes, and Alleys of the City of Philadelphia, &ca.'"

2. "An Act for the erecting a Light House at the Mouth of the Bay of Delaware, at or near Cape Henlopen, for placing & fixing Buoys, &ca."

3. "An Act to enable the Commissioners for paving the Streets of the City of Philadelphia, to settle the accounts of the Managers, and to sue for and recover from certain Persons, such Sums of Money as are now due and unpaid on account of the several Lotteries, &ca."

At a Council held at Philadelphia, on Tuesday, the 4th October, 1763.

PRESENT:

The Honourable JAMES HAMILTON, Esq^r^ Lieutenant Governor, &ca.

Benjamin Shoemaker, Benjamin Chew, } Esq^rs^.
Lynford Lardner, }

The Governor laid before the Board the Returns of Sheriffs and Coroners for the several Counties, which, being read and Considered, the following persons were appointed, & Commissions were filled up accordingly, viz^t^:

Philadelphia	County,	Joseph Redman, Sheriff. Caleb Cash, Coroner.
Chester	D^o^.	John Fairlamb, Sheriff. Davis Bevan, Coroner.
Bucks	d^o^.	John Gregg, Sheriff. William Buckman, Coroner.
New Castle	d^o^.	Thomas Duff, Sheriff. William Stewart, Coroner.
Sussex	d^o^.	Daniel Nunez, Jun^r^, Sheriff. John Wattom, Coroner.
Northampton	d^o^.	John Jennings, Sheriff. Arthur Lattimore, Coroner.
Kent	d^o^.	Daniel Roberson, Sheriff. John Gray, Coroner.
Lancaster	d^o^.	John Hay, Sheriff. Mathias Slough, Coroner.
Berks	d^o^.	Jacob Weaver, Sheriff. Samuel Weiser, Coroner.
York	d^o^.	Robert M'Pherson, Sheriff. John Adlum, Coroner.
Cumberland	d^o^.	Ezekiel Dunning, Sheriff. Joseph Hunter, Coroner.

At a Council held at Philad^a, in the Council Chamber, the 15th October, 1763.

PRESENT:

The Honourable JAMES HAMILTON, Esq^r, Lieutenant Governor, &ca.

William Logan, Benjamin Chew, } Esquires.
Lynford Lardner, }

Eight Members of the House waited on the Governor last night, with a verbal Message that the representatives were met pursuant to Charter, & had chosen their Speaker, and desired to know when and where they might present him, and the Governor having appointed this day at 12 o'clock, in the Council Chamber, for that purpose, sent the Secretary to acquaint the House that he was ready to receive them with their Speaker. They attended in the Council Chamber accordingly, and presented Isaac Norris, Esq^r, as their Speaker, who, being approved, claimed the usual privileges, which His Honour was pleased to say were essential in all the publick Debates, and the House might Depend on his protection therein; and then the House withdrew.

The Governor having prepared the following Message, laid the same before the Board, and after being read and approved, the Secretary was ordered to carry it to the House as soon as the members were qualified:

A Message from the Governor to the Assembly.

"Gentlemen:

"Observing, by the returns which have been made to me, that your House consists, for the most part, of the same Members that have served in Assembly for several Years past, I cannot but express my Satisfaction, that in the present critical Situation of Affairs, the Business to be transacted by me, is with Gentlemen whose long Experience in publick Concerns has rendered them so equal to the Task they have undertaken.

"I am sensible it is very unusual to enter upon Business of weight at your first meeting, that being set apart for, and employed in preparing the House for the better Reception & dispatch of it at some future time; yet, I flatter myself you will readily dispense with a Custom, by no means essential, in favour of the measure I have to recommend to you, which is of as great importance as can come under your Consideration, no less indeed, than the Safety and preservation of the Country.

"You will be pleased, then, to know that within a few days past, I have received well attested Accounts of many barbarous and shocking Murders, and other Depredations, having been committed by Indians on the Inhabitants of Northampton County, in Consequence

whereof, great numbers of those who escaped the rage of the Enemy, have already deserted, and are daily deserting their Habitations; so, that unless some effectual aid can be speedily granted them, to induce them to stand their Ground, it is difficult to say where these desertions will stop, or to how small a distance from the Capitol our Frontier may be reduced.

"The Provincial Commissioners and I, have, in consequence of the Resolve of the Assembly of the 6th of July last, done every thing in our Power for the protection of the Province, pursuant to the Trust reposed in Us; But as our funds are entirely exhausted, and even a considerable Arrear become due to the Soldiers and others employed by the Government for their pay, which we have it not in our power to discharge, it seems impossible that the Forces now on Foot can be no longer kept together, without a Supply be speedily granted for that purpose.

"I do, therefore, Gentlemen, in the most earnest manner, recommend to your immediate Consideration the distressed State of our unfortunate Inhabitants on the Frontiers, who are continually exposed to the Savage cruelty of a merciless Enemy; and request that you will in your present Session, grant such a Supply as, with God's assistance, may enable us, not only to protect our People, but to take a severe Revenge on our perfidious Foes, by pursuing them into their own Countries, for which purpose there prevails at present a noble ardour among our Frontier people, which in my opinion, ought by all means to be cherished and improved.

"I have, Gentlemen, only one thing more to recommend and request of you, which is that, in contriving the ways and means for raising the Supply to be granted, you will carefully avoid whatever may occasion a Disagreement in Opinion between you and me, by means whereof your good Intentions may be frustrated and defeated, as has unfortunately happened on more than one Occasion before, and particularly in the last session of the late Assembly.

"JAMES HAMILTON.

"October 15th, 1763."

—

20th October, 1763.

MEMORANDUM.

The Governor, pursuant to His Majesty's Instruction under his sign Manual, dated the 15th of June last, did this day issue a Commission appointing Colonel James Burd Commissioner on the part of this Province, to act jointly with a Commissioner to be appointed by the Governor of Connecticut, in communicating His Majesty's Strict Commands to the People from that Colony, who are making a Settlement at Wyoming, that they immediately desist from their undertaking and remove from thence within a reasonable limited

time. The said Instructions and Commission follow in these words, viz^t^:

"GEORGE R:

"[*L. S.*] *Instructions to Our Trusty and Well beloved JAMES HAMILTON, Esquire, Deputy Governor of our Province of Pennsylvania, in America, or to the Commander-in-Chief of Our said Province for the time being. Given at our Court at St. James's, the 15th day of June*, 1763, *in the third Year of our Reign.*

"WHEREAS, it hath been represented to Us that a number of Persons, Inhabitants of our Colony of Connecticut, have presumed, without Licence from us or any acting under our Authority, to begin a Settlement on certain Lands at Wyoming, on the River Susquehanna, belonging to our good Subjects, the Six Nations of Indians and their Allies, the Delawares, whereby the said Indians are greatly disquieted and aggrieved; *And Whereas*, We have thought it necessary, as well for the support of our Royal Authority, as in Justice to the said Indian Nations, whom we are determined at all times to protect in the peaceable Enjoyment of all their just Rights and Possessions, that an effectual Stop should be put to the Settlement which the said People of Connecticut have thus unwarrantably attempted to make; Our Will and Pleasure therefore is, that you do forthwith, by Commission under the Seal of the Province of Pennsylvania under your Government, constitute and appoint a proper Person to be Commissioner on the part of the Province of Pennsylvania, with full power to act in Concert with a Commissioner in like manner to be appointed by the Governor and Company of Connecticut, in the due and faithful Execution of our Royal Pleasure concerning the Inhabitants of the said Settlement. And you are hereby further required to instruct the said Commissioner with all convenient Speed to proceed with the Commissioner to be appointed on the part of the Colony of Connecticut, to the said Settlement at Wyoming, and there cause his Commission to be read and published with all due Solemnity, and immediately after Publication thereof, to require and command the Inhabitants in our Name, forthwith to desist from their said Undertaking, & to depart & remove from thence within such limited time as you in your discretion shall think necessary and reasonable.

"G. R."

"*By the Honourable JAMES HAMILTON, Esquire, Lieut't. Governor, and Commander-in-Chief of the Province of Pennsylvania, and Counties of New Castle, Kent, and Sussex on Delaware.*

"*To Colonel James Burd, of the County of Lancaster, Esq'r., Greet'g.*

"WHEREAS, I have lately received an Instruction from His Majesty, dated at S^t. James's, the 15 day of June last, setting forth that it had been represented to His Majesty that a number of Persons, Inhabitants of His Colony of Connecticut, had presumed, without Licence from Him, or any acting under His Authority, to begin a Settlement on certain Lands at Wyoming, on the River Susquehanna, belonging to His good Subjects, the Six Nations of Indians, and their Allies the Delawares, whereby the said Indians were greatly disquieted and aggrieved. And that His Majesty had thought it necessary, as well for the Support of His Royal Authority, as in Justice to the said Indian Nations, whom he is determined at all times to protect in the peaceable Enjoyment of all their just rights & possessions, that an effectual stop should be put the Settlement which the said People of Connecticut had so unwarrantably attempted to make. And His Majesty, therefore, in and by His said Instruction, signified to be his Royal Will and Pleasure, that I should forthwith, by Commission, under the Seal of the said Province of Pennsylvania, constitute and appoint a proper Person, to be Commissioner on the part of this Province, with full power to act in Concert with a Commissioner in like manner to be appointed by the Governor & Company of Connecticut, in the due and faithful Execution of His Royal Pleasure concerning the Inhabitants of the said Settlement. And am thereby further required to instruct the said Commissioner, with all convenient Speed to proceed with the said Connecticut Commissioner, to the said Settlement at Wyoming, & there to cause his Commission to be read and published with all due Solemnity, and then, immediately to require and command the Inhabitants in His Majesty's Name, forthwith to desist from their said Undertaking, and to depart and remove from thence within such limited time as I in my discretion should think necessary and reasonable, As in and by the said Instruction, whereof a true Copy is hereto annexed, appears. Now Know You, that, in obedience to the said Royal Instruction, and for carrying the same into immediate Execution, and judging you fitly and duely qualified for the same, and reposing special Trust and confidence in your Loyalty, Fidelity, Resolution and Ability, I have, by and with the advice of the Council, nominated, constituted & appointed, and by these presents do constitute and appoint you, the said Colonel James Burd, to be Commissioner on the part of this Province of Pennsylvania, with full power to act in

Concert with a Commissioner to be appointed by the Governor and Company of Connecticut, in the due and faithful Execution of His Majesty's Royal pleasure concerning the Inhabitants of the said Settlement, hereby requiring you with all convenient Speed to proceed with the Commissioner on the part of the Colony of Connecticut to the said Settlement, and there to cause this your Commission to be read and published with all due Solemnity, and immediately after Publication thereof, to require and command the Inhabitants, in His Majesty's Name, forthwith to desist from their said undertaking, and to depart and remove from thence as soon as may be before the Expiration of Weeks at the furthest after your arrival and publication of this your Commission amongst them; As they will answer their contempt herein to His Majesty, at their peril.

"And what you shall do in the Premises you are faithfully to report to me at your return.

"*Given* under my hand and the Great Seal of the said Province of Pennsylvania at Philadelphia, the twentieth day of October, in the third year of His Majesty's Reign, & in the Year of our Lord one thousand seven hundred & sixty-three.

"JAMES HAMILTON."

—

The Governor by the Secretary laid before the House a Letter from His Excellency, Sir Jeffery Amherst, inclosing an Extract of a Letter from Sir William Johnson, containing Indian Intelligence, both which are respectively as follow, viz^{t}:

A Letter from General Amherst to the Governor.

"New York, October 16, 1763.

"Sir:

"I herewith inclose you a Paragraph of a Letter which I received last Night from Sir William Johnson, containing some intelligence of the bad intentions of the Savages on the Frontiers of Pennsylvania, &ca., and I acquaint Colonel Boquet thereof, that he may be on his Guard; but I cannot help repeating my Surprize at the infatuation of the People in your Province, who tamely look on while their Brethren are butchered by the Savages, when, without doubt, it is in their Power by exerting a proper Spirit, not only to protect the Settlements, but to punish any Indians that are hardy enough to disturb them. I am, with great Regard, Sir,

"Your most Obedient humble Servant,

"JEFF. AMHERST."

Extract of a Letter from Sir Wm. Johnson to His Excellcy. Sir Jeffery Amherst, dated at Johnson Hall the 6th of October, 1763*:*

"This morning a Seneca Chief, of Canudasegey, the first Castle of that Nation, and which has not been concerned in any of the Hostilities, arrived here, and gives me the following Information, which he had from a party of Warriors, just returned with some Scalps & Prisoners from the Cherokee Country, viz^{t}: 'That on their way home they met a large Body of several Nations assembled at a Village of Delawares, on the River Adjuketa, which empties into Muskingham, or Elk River, where they saw the Ottawawa Confederacy deliver the War Hatchet, Bow and Arrows, to the Delawares, and desired they would use the same with Vigour against the English, who were about taking away their Country; That they then pointed out the Forts Pitt & Augusta as the greatest Eyesores to the Indians in those parts; therefore, desired they would lose no time in distressing and attacking them, on which they would all join in a body and proceed towards Philadelphia; That while the Delawares were engaged in that affair, they, the Ottawas, Twightwees, Hurons, &ca., would demolish Detroit and Niagara. The Delawares thanked them for looking upon them now as Men, and told them that they would, by their actions, shew them they were worthy of the Confidence reposed in them; After which the Huron Speaker addressed the Shawanese, and warmly reprimanded them for their Backwardness in spending their time hitherto so idly in Treaties and Conferences with the English, to prevent which they, the Ottawawa Confederacy, plucked the Horns from their Heads (i. e. remove every thing but War from the Thoughts of their Sachems), and made them become Warriors, desiring they would exert themselves in Conjunction with the Delawares, to which they agreed.'"

At a Council held at Philad^{a} on Saturday, the 22nd of October, 1763.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, Lieutenant Governor, &ca.

Benjamin Shoemaker, William Logan, Esq^{rs}.

The Governor laid before the Board the three following Bills sent up by the House for his Honour's concurrence, which were read and approved, and the Secretary directed to return them to the House, with a verbal Message that the Governor agreed to them, viz^{t}:

"An Act to prohibit the selling of Guns, Powder, or other Warlike Stores to the Indians."

"An Act for granting to His Majesty the sum of £24,000 for the defence and protection of this Province;" And

"An Act for regulating the Officers and Soldiers in the pay of this Province."

At the same time the House desired the Secretary to give notice to the Governor that they will attend His Honour, if it suits him, at half after 12 o'Clock this day, to pass the said Bills into Laws.

—

Eodem die, 1 o'Clock.

The Governor acquainted the House by the Secretary that he was waiting in the Council Chamber, where he required the attendance of the Speaker & Members of Assembly, in order to pass the Bills which had received his assent. The House attending accordingly, the Speaker presented the following Bills, which His Honour immediately passed, and signed a Warrant for affixing the Great Seal thereto, and ordered them to be deposited in the Rolls Office, viz^{t}:

"An Act to prohibit the selling of Guns, Gun Powder, or other Warlike Stores to the Indians."

"An Act for granting to His Majesty the sum of £24,000 for the defence and Protection of this Province, & for other purposes therein mentioned;" and

"An Act for regulating the Officers and Soldiers in the pay of this Province."

The Speaker then acquainted the Governor that the House proposed to adjourn to Monday, the 16th of January next, to which His Honour made no Objections.

Two Members of Assembly waited on the Governor & delivered him a written Message from the House in the words following, viz^{t}:

A Message to the Governor from the Assembly.

" May it please your Honour:

" We return you our thanks for laying before us the Letter you have received from Sir Jeffery Amherst, of the Sixteenth of this Inst^{t}, with the Intelligence inclosed therein, from S^{r} William Johnson, respecting the bad intentions of the Savages against our Frontiers. For this Intelligence We are likewise obliged to His Excellency, but at the same time we are greatly at a loss how to understand the meaning or design of that part of his Letter wherein he expresses his 'Surprize at the Infatuation of the People of this Province, who (he alledges) tamely look on while their Brethren are butchered by the Savages, when, without doubt, it is in their power, by exerting a proper spirit, not only to protect the Settlements, but to punish any Indians that are hardy enough to disturb

them.' Can it be possible that the General is, at this day, unacquainted with the vigorous Measures which this Government has pursued, much beyond any of the rest of the Colonies, for the Protection and Defence of their long extended Frontier?

"Your Honour well knows, that on the Eleventh of June last, you convened the Provincial Commissioners, who chearfully agreed to raise an hundred Men for the Reinforcement of Fort Augusta, a Garrison on Susquehanna, then but weakly manned, and a Post of great importance to the Provincial Defence.

"On the fourth of July the Assembly met, in pursuance of your Summons, when you laid before them the necessity of an Additional number of Men, to repel the savage attempts of those Barbarians; & that, in pursuance of a Letter from the General, which you also communicated to them, with equal Chearfulness and Expedition, they granted the additional number of Seven hundred Men, and passed a Law for furnishing Carriages for the Transportation of Provisions for the use of the Troops destined for the Western Communication.

"These Troops, so granted, were accordingly raised with the utmost Expedition, & they have been, as we are informed, placed at proper Stations on the Frontiers, under your Command, and been active since in the protection thereof, and that with more vigour and Spirit than has been known or experienced the whole late War. Several Parties of Indians have been intercepted and repulsed, and the Inhabitants in a great measure preserved from the intended Massacres, and a large Body of them now engaged in an Expedition against the Great Island, which has heretofore served as a Station from whence the Savages usually issue, for the Annoyance of our Settlements.

"As these things are Facts, we cannot help, in our Turn, being much surprized at the Censure contained in His Excellency's Letter, by which it is evidently intimated that the good People of this Province are utterly regardless of the Distresses of their Fellow Subjects, and 'tamely look on while they are butchered by the Savages'

"A hard Censure this! but for what part of the Government it was intended is not clear from the Letter. If intended for your Honour, we have reason to believe you have done every thing, as Commander-in-Chief of the Forces, that could be expected. If for this Part of the Legislature, the large number of Men in the pay of this Government, at a time when the Province is loaded with a debt extremely burthensome, occasioned by their late generous and large Aids to the Crown for the protection of the Colonies during the late War, will evidently shew it is without foundation; And if the poor People on our Frontiers, their present distressed Situation, and the uncommon Military Spirit & Resolution, so manifest among them ever since the late Indian Incursions, ought at least to have excused them from it.

"But the Gen^{l} is of Opinion, that it is in our power, by exerting a proper Spirit, not only to protect the Settlements, but to punish any Indians that are hardy enough to disturb them. Would he give himself the Liberty of one Moment's Reflection on our Circumstances, must he not see the Injustice as well as Impracticability of our defending a Frontier near three hundred Miles in length, which covers and protects, in a great measure, those of Maryland and New Jersey, without the least Contribution or aid from either of those Colonies. Is it reasonable that this Province, already heavily loaded with debt, should be at the Sole Expence of defending not only her own Frontiers but so great a part of those of her neighbouring Colonies? And is it not evidently impossible that this Young Colony, against whom the Indian Force has been principally aimed, should alone, without any assistance from the rest of the Provinces, defend a Frontier so extensive, against all the lurking and perfidious Parties of so powerful a Confederacy as is mentioned in the General's Intelligence.

"You, Sir, are well acquainted with the Circumstances of the Province, & its present Distress, and therefore we presume you readily see how vain the Expectation must prove, that any one particular Colony can defend itself against the united Power of so many Confederated Nations.

"Signed by order of the House,

"ISAAC NORRIS, Speaker.

"October 22nd, 1763."

At a Council held at the State House on Saturday the 22nd Oct^{r} 1763.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, Lieuten^{t} Governor, &ca.

Benjamin Shoemaker & William Logan, Esquires.

John Curtis, Samuel Curtis, Jemmy Nappier, Robin Nanticokes, And Conoy Sam.

The Governor's answer to Papounan, and the Indians at Wighalousin.

Speaking to John Curtis, says:

"Brother:

"We think we have understood what you have said to us without an Interpreter, and think you have sufficient knowledge of the English Language to understand us. Listen therefore to what I am going to say in answer to what you said to me when you first came here; Brother, as you have brought us a Message from Papounan and the Wighalousin Indians, I desire you to carry this my Message to them in answer."

A String.

"Brother Papounan and the Wighalousin Indians:

"You say you do not understand why there should be any Difference between us and the Indians, and that after considering the matter well, it is surprizing to you that there should have been any Disturbances made by Indians, since you cannot find the least Cause given by us for such a Behaviour; And that as to you, the Indians at Wighalousin, you concern yourselves with nothing but the Worship of God.

"Brother:

"We do not look on you and your Indians to be our Enemies, but rather our Friends, and we can sincerely say that you form a true Judgment on this behaviour of the Indians, for We do assure you we have not given the least Cause of Offence since we so firmly concluded a peace with the Indians. As therefore, this renewal of Hostilities is without the least Provocation on our side, and has been carried on in so cruel a manner, you cannot but think that it must raise great resentment in the minds of the Inhabitants against those who have committed them.

"As to you who have been no ways in These Disturbances, but give yourselves up to the religious Worship of God, we shall still be your Friends, and endeavour to preserve you in that safety which your Conduct deserves, and pray God to bless your Religious designs."

A String.

"Brother:

"You remind us of the Services you did for us in the affair of the Prisoners and of the Horses which were stolen from our Inhabitants. We remember it well, & as we did then thank you for it, so we do now again thank you for it.

"Brother:

"You likewise remind us of the great Service you did in preventing the Relations of an Indian who was killed soon after the last Treaty that was held at Easton, coming down to take revenge on our Inhabitants. This we also remember well, and now repeat our thanks for your kindness therein. Such acts of Friendship may always be expected from Men who act with Sincerity on religious Principles, and as we hope we are under the Influence of the same good Principles towards God and Man, We shall always behave towards you in the same just and kind manner.

"Brother:

"You further tell us that the assurances we then gave you of acquainting you of any Mischief designed against you, had made you perfectly easy and satisfied, & that you do entirely depend upon us. Agreeable, therefore, to our Engagements, we now inform you what lies very heavy on our minds, and our apprehensions of your danger.

"Brother:

"Since we so firmly concluded and made a Peace with the Indians, Our Innocent Inhabitants, thinking no danger, and depending on your good Faith, so solemnly pledged to us, have been seized in their Houses, barbarously murdered, & their little innocent Children's Brains dashed out before them. This has been frequently perpetrated, and our Brother, John Curtis, can tell you, that within these ten days, some of these Barbarous Indians have been down & killed upwards of twenty of our People near Bethlehem. These actions have enraged & provoked my People greatly; and in revenge, some of them have gone into the Indian Country to take their Satisfaction, and as I do not know where they are gone, I cannot but be under Apprehensions, lest, in their great anger, they will not be able to distinguish between those who are our Friends & Those who are our Enemies. And if any such thing should happen, you must blame those Indians who have so unjustly struck us, as People who have been so much hurt, cannot be restrained from taking Revenge.

"Brother:

"As we cannot answer for those enraged, ungovernable people, in their attempts to revenge the blood of their Fathers, Brothers, and Children, we are not without apprehensions of danger to you, tho' we should do all in our power to prevent it, and would, therefore, now be glad to hear from yourselves in what manner you think that can be best done, and for that purpose now send a White Man, James Irvine, with our Brother, John Curtis, as far as Fort Allen, at which place he shall remain 15 days, in expectation of receiving your Answer to that point, and also, receive any other Message you may have to send to us."

A String.

"Brother:"

"We thank you for acquainting us that there has been a Great Council held with the Indian Nations living at Onohoquaga, Chenango, Chokenote, and Awaigah, consisting of Oneidas, Tuscaroras, Delawares, Munseys, Nanticokes, Conoys, Onondagoes, Mohickons, Cayugas, & Shawanese, & that they desire you, by a Message, to inform me that the occasion of that Council was from S^r. William Johnson sending ——— Belts to you, to desire a Conference with you, and that they would, in the mean time, remain, as they had done before, our steady and hearty Friends. That they had determined to do so, and had sent Deputies to S^r. William Johnson, to tell him so, and that they further desired we might be acquainted with this, their Resolution, & that they would, likewise, on their Return from Sir William Johnson, acquaint us what had passed between them and him.

"Brother:

"We desire you by this Belt, to return them our hearty thanks for what they have done, which we very much approve of & take it

as a real mark of their Friendship for us; We shall impatiently wait to know the result of this Conference, and desire they would let us know as soon as they can, by some safe hand, on whom they can depend to deliver it.

"Brother:

"Assure these Indians that we are their hearty Friends, and consult with them on what methods may be best taken to secure all our Friendly Indians, and you and them in particular, so that neither you nor they may be hurt by any of our People."

A Belt.

"Brother:

"As soon as I heard of the Mischief the Indians were doing on our Frontiers, I immediately sent a Message to the Commander at Fort Augusta, with my Orders to forward to the Indians who lived on the Waters of Susquehanna, The substance whereof was to this Effect:

"1st. That after the Peace so lately reestablished between all the Indian Nations and the Subjects of our Great King, I was much concerned to see the Sky again begin look dark and Cloudy, as if it threatened new Troubles and mischiefs both to You and Us.

"2d. That I had heard with grief that some Indians, to the Westward, but of what Nation I knew not, had lately killed some of our White People at Yahisgaric, and about Fort Pitt, without any provocation from us, and without letting them know the cause of this Resentment.

"3dly. That by the Treaties between us & them, it was agreed that whenever they thought themselves agrieved by the White people, they were first to represent the same, in a friendly manner, to me, without having recourse to Arms, or offering to strike us; That I should always observe that conduct towards them, and that while we both continued to act in that manner, any differences that might happen might be settled to our mutual Satisfaction, without breaking the antient Chain of Friendship, which we were as desirous as ever to preserve whole and entire; And

"Lastly. That I had requested that Conference with them, & desired they would freely open their hearts to me, and acquaint by what Nations of Indians these murders had been committed, and for what reason, and whether they, or any other Nations of Indians to their Knowledge, had any just Cause of complaint against us, and what that Cause was; and promised that as far as lay in my power, I would give them immediate Satisfaction, and as a token of my Sincerity I gave them a Belt."

"Brother John Curtis:

"I have now finished what I had to say to Papounan, & the Indians living at Wighalousin, in answer to their kind Message; I now desire you to inform the Indians how kindly you have been

treated since you have been here. I now wish you a good Journey, and shall take care that you be escorted safe out of the Inhabitants."

The Governor having received Information that severall Robberies had lately been committed on the Public Roads and Highways near the City, and being acquainted by two Members of Assembly that the House had voted the sum of Fifty Pounds as a Reward for apprehending any of the Persons concerned therein, thought proper this day to issue a Proclamation of the said Reward, in order the better to discover the Offenders and bring them to Justice.

The Proclamation follows in these words, viz^{t}:

"*By the Honourable JAMES HAMILTON, Esquire, Lieutenant Governor & Commander-in-Chief of the Province of Pennsylvania, & Counties of Newcastle, Kent, and Sussex, on Delaware:*

"A PROCLAMATION.

"Whereas, information hath been made to me, not only that divers attempts have of late been made to rob, but that several Robberies have been actually committed on his Majesty's Subjects travelling on the Highways, near the city of Philadelphia, by Persons unknown, to the great terror and Annoyance of the said Subjects coming to and returning from the said City: *And Whereas*, it is of great Importance that a Stop should as soon as possible be put, in this young Colony, to crimes of so evil and pernicious a Nature, and the Authors and Perpetrators thereof brought to condign and exemplary punishment, I have therefore thought fit, with the advice of the Council, to issue this Proclamation, hereby offering a Reward of Fifty Pounds to any Person or Persons who shall make known and cause to be apprehended all or any of the Persons who were concerned as Authors, Perpetrators, or Accomplices, in any of the aforesaid Robberies or Attempts to rob on the said Highways, since the first day of October instant, So that he or they shall be convicted thereof, according to due course of Law. And I do hereby strictly charge and command all Magistrates, Sheriffs, and other Officers whatsoever, within this Government, to use their utmost care and diligence in detecting and apprehending the said Offenders, that they may be brought to Justice.

"*Given* under my hand and the Great Seal of the said Province, At Philadelphia, the twenty-second day of October, in the Year of our Lord one thousand seven hundred and Sixty-three, and in the Third Year of His Majesty's Reign.

"JAMES HAMILTON.

"By His Honour's Command.

"Joseph Shippen, Jun^{r} Secretary.

"GOD SAVE THE KING."

MEMORANDUM. at New Castle, Monday, the 24th Octo^{r} 1763.

Three Members of Assembly waited on the Governor with a verbal Message, that the House had met on the 20th Instant, pursuant to the Charter and Laws of the Government, and had chosen their Speaker, & desired to know when and where they might present him for his Honour's Approbation.

The Governor having acquainted them that he was now ready at his Lodgings for that purpose, the House accordingly attended, and presented Mr. Jacob Kollock as their Speaker, who, being approved, claimed the usual Privileges, which were granted; and then the House withdrew.

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MEMORANDUM. at Newcastle, Saturday, the 29th October, 1763.

The Assembly sent a Verbal Message to the Governor by three Members, that the House, having understood that His Honour intended to set off To-morrow Morning for Philadelphia, in order to meet the Hon'ble John Penn, Esquire, lately appointed his Successor in the Government, and this day arrived in the River from England, proposed to adjourn to the 20th day of March next, if it was agreeable to His Honour, to which the Governor answered that he had no objection.

Soon after, the Governor received another Message by three Members, that the House desired to have an Opportunity of taking their leave of His Honour before he sat out for Philadelphia, and requested to known when they might wait on him for that purpose, to which the Governor was pleased to say their proposal was very agreeable to him, and that he should be ready to receive the House immediately.

At a Council held at Philadelphia, on Monday, the 31st day of October, 1763.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, Lieutenant Governor, &ca.

The Honourable John Penn, Esquire.

Benjamin Shoemaker, Richard Peters,
Joseph Turner, Lynford Lardner, } Esquires.
Benjamin Chew,

The Honourable Proprietaries, Thomas Penn and Richard Penn, Esq^{rs} having been pleased to appoint John Penn, Esq^{r} to be Lieutenant Governor of the Province of Pennsylvania, and Counties of

New Castle, Kent, & Sussex, on Delaware, He produced their Commission, bearing date the 18th day of June last, under the hands and Seals of the said Proprietaries, & under the Great Seal of the said Province, as also a Certificate under the Seal of the privy Council, dated the 31st August, 1763, declaring His Majesty's Approbation of John Penn, Esquire, to be Lieutenant Governor, &c[a]: and his having taken the usual Oaths, both which being read, the Governor, attended by the Council, Mayor, Recorder, Aldermen, Common Council, & preceded by the Sheriff & his Officers, went to the Court House, where his Commission was published with due Solemnity in the presence of a very great concourse of People. Immediately afterwards, the Battery Guns fired a Royal Salute, and the Bells of Christ Church rung in Compliment to him.

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November the 1st, 1763.

Mr. Joseph Shippen, Jun[r] being continued Provincial Secretary and Clerk of the Council, & directed Yesterday in Council to prepare a Proclamation for the Continuance of Magistrates and other Officers, the same was issued this day by the Governor, and ordered to be Published in the Pennsylvania Gazette & Journal.

"*By the Honourable JOHN PENN, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, and Sussex, on Delaware.*

"A PROCLAMATION.

WHEREAS, the Honourable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries and Governors-in-Chief of the Province of Pennsylvania and Counties of New Castle, Kent, and Sussex, on Delaware, have been pleased by their Commission under their Hands and Seals, bearing date the Eighteenth day of June last, to constitute and appoint me to be their Lieutenant Governor of the said Province and Counties, with all necessary Powers and Authority for the well governing of the same; which said Appointment the King's Most Excellent Majesty, in a Council held at St. James's, the thirty-first day of August last past, was graciously pleased to allow and approve of: Therefore, in pursuance of the said Trust in me reposed, having a special regard to the safety of the State and Government of the said Province and Counties, & to prevent failures in the Administration of Justice therein, I have, by and with the advice and consent of the Council of the said Province & Counties, thought fit to ordain, and do hereby ordain and declare, that all Orders and Commissions whatsoever, relating to the Government of the said Province and Counties, heretofore lawfully and

rightfully issued, which were in force on the Thirty-first day of October last, shall be, continue and remain in full force, power and virtue, according to their respective Tenors, until my further pleasure shall be known therein; and that all Persons whatsoever, who on the thirty-first day of October last, held or enjoyed any Office of Trust or Profit in this Government, by virtue of any such Commission as aforesaid, shall continue to hold & enjoy the same until they shall be determined by me as aforesaid, or by other sufficient Authority. And I do hereby further command & require all Magistrates, Officers, and Commissioners whatsoever, in whom any publick Trust is reposed in the Government of the said Province and Counties, that they diligently proceed in the performance and discharge of their respective duties therein, for the Safety, Peace, and well being of the same.

"*Given* under my hand and the Great Seal of the said Province at Philadelphia, the First day of November, in the Fourth Year of the Reign of our Sovereign Lord George, the third King of Great Britain, France, and Ireland, Defender of the Faith, &ca., And in the Year of our Lord one thousand seven hundred and sixty-three.

"JOHN PENN.

"By His Honour's Command,
"JOSEPH SHIPPEN, Jun^r, *Secretary.*"

November 4th, 1763.

This day the Governor, accompanied by the Earl of Stirling, Lynford Lardner, and Richard Penn, Esq^rs, and several other Gentlemen, went to New Castle, where his Commission & Proclamation for the continuance of Magistrates and other Officers of the Government, were published at the Court House, in the presence of a number of the Inhabitants.

At a Council held at Philadelphia, on Thursday the 10 Novem^r, 1763.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

James Hamilton, William Logan, } Esquires.
Richard Peters, }

The Governor having Yesterday received Letters from Sir Jeffery Amherst, making a Requisition of Troops to be raised by this Province, to be employed, in Conjunction with His Majesty's Regular

Forces, in Offensive Operations against the Indians, laid the same before the Council, which were read, and are as follows, viz^{t}:

A Letter from Gen'l Amherst to the Governor.

"New York, Novem^{r} 5th, 1763.

"Sir:

"Just as I had sealed the inclosed, and delivered it to an Officer returning to Philadelphia, I received the favour of your Letter of the third Instant, acquainting me of your Arrival at and Appointment to the Government of Pennsylvania, on which I beg leave to congratulate you.

"The contents of the Inclosed will shew you that an exertion of the Power with which you are vested, and which you are so obliging as to offer for forwarding the King's Service, will be immediately wanted, and, I trust, by your Influence, the Province of Pennsylvania will chearfully and readily lend the Assistance demanded for subduing and punishing the Barbarians, who have so unjustly attacked our Settlements and Butchered the Inhabitants.

"I am, with great Regard, Sir,

"Your most Obedient humble Servant,

"JEFF. AMHERST.

"To the Hon. Governor Penn."

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A Letter from General Amherst to Governor Hamilton.

"New York, November 5th, 1763.

"Sir:

"On a due Consideration of the most probable Measures for crushing the present Insurrection of the Indians, and punishing the guilty, as they deserve, I find it absolutely necessary to make Application to the Provinces most nearly concerned, that a respectable Body of Men may be raised, so as to proceed early in the Spring, in conjunction with such regular Troops as can be collected, to put in Execution such offensive Operations as may be judged most effectual for reducing the Savages, and securing Peace & Quiet to the Settlements hereafter.

"In Consequence of this Plan, I have made Application to the Provinces of New York and Jersey for certain Quotas of Men, to be raised, so as to be ready to proceed to Albany by the first of March next, in order to join with such of the regular Troops as can be spared for carrying on offensive Operations by the way of Lake Erie, &c^{a}, and, that the whole race of Indians who have so unjustly commenced, and are still carrying on Hostilities against Us, may be effectually reduced, and severely punished, which alone can secure

the future Tranquility of the several Colonies, I must apply to the Province of Pennsylvania, & Colony of Virginia, for their Assistance on the Occasion, by raising Men to act against the Delawares, Shawanese, and other Tribes on that side, who have committed Hostilities; and I trust, the requisition I am now to lay before you, will not only meet with a proper Reception, but that you will be pleased to enforce the same to your Council and Assembly, backed with such Arguments (if any Arguments can be necessary on such an Occasion), as will at once remove every Obstacle that could be started to a Compliance therewith.

"The Proportion I must demand from your Province is one thousand Men, exclusive of Commissioned Officers, to be divided into two Corps of ten Companies each, commanded by their proper Field Officers, and each Company to consist of a Captain, two Subalterns, and fifty Men, including three Serjeants and three Corporals, for the Service on which they will be employed, requires that there should be a good many Officers; The Men to be clothed, but in a light manner; a Cloth Jacket, Flannel Waistcoat, Leggings, &c^a. will be full sufficient; and it will be necessary that the whole are raised, and ready to join the King's Troops, or to be sent on such Service as the Commanding Officer in the Southern District may direct, by the first of March next.

"Particular care should be taken that, in recruiting the Men, none should be raised but such as are able bodied, neither too Young or too old, but fit for the most active and alert Service.

"Although, by an Order from Home, the regular Troops are subject to a Stoppage for the Provisions issued to them, belonging to the Crown, yet, upon this Occasion, I will take upon me to order Provisions to the Provincial Troops that shall be raised, & take the Field; and they shall, likewise, be provided with Arms, unless any of them chuse to bring their own Arms, for which they shall have the same Allowance as was made in former Campaigns, should any of them be lost or damaged in actual Service; Tents will also be furnished to them, as formerly.

"The Time of Service may be limited to the first of November, although it is much to be hoped every thing will be finished long before that period, in which case, the men will be sent back to the Province.

"I am, with great Regard, Sir,
"Your most Obedient humble Servant,
"JEFF. AMHERST."

The Board, taking the said Letters into Consideration, were of opinion that it would be necessary for the Governor to convene the Assembly before the time to which they stood adjourned, in order to furnish the Quota of Troops demanded by the General, & that there may be sufficient time for raising them before they are expected to take the Field.

MEMORANDUM, 22d Novem^{r} 1763.

Several Robberies on the Highways, & the Murder of Henry Hamilton, having been actually committed near this City, since the late Governor's Proclamation, of the 22nd October last, The Governor thought proper, by the advice of the Council, this day to issue a new Proclamation, offering a Reward of £50 for apprehending any of the Persons concerned in the late Robberies, and £200 for the detection of the Person & his Accomplices, who perpetrated the said Murder.

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"*By the Honourable JOHN PENN, Esquire, Lieutenant Governor, & Commander-in-Chief of the Province of Pennsylvania, and Counties of New Castle, Kent, and Sussex on Delaware.*

"A PROCLAMATION.

"WHEREAS, Information hath been made to me, not only that divers attempts have of late been made to rob, but that several Robberies have been actually committed on His Majesty's Subjects travelling on the Highways near the City of Philadelphia, by Persons unknown, one of which Robberies was committed on Saturday last, on the Wissihiccon Road, and was accompanied with the Murder of Henry Hamilton, the person robbed, to the great terror and annoyance of the said Subjects, coming to and returning from the said City. *And Whereas*, it is of great importance that a stop should, as soon as possible, be put, in this young Colony, to Crimes of so evil and pernicious a nature, and the authors and perpetrators thereof brought to condign and exemplary punishment, I have therefore thought fit, with the advice of the Council, to issue this Proclamation, hereby offering a Reward of Two Hundred Pounds to any Person or Persons who shall make known & cause to be apprehended all, or any of the Persons who were concerned as Perpetrators or Accomplices in the Robbery and Murder of the said Henry Hamilton; And the sum of fifty Pounds for the making known and apprehending all, or any of the Persons concerned as Authors, Perpetrators, or Accomplices, in any of the other Robberies, or attempts to rob, on the said Highways, since the first day of October last, so that he or they shall be convicted thereof, according to the due Course of Law. And I do hereby strictly charge and command all Magistrates, Sheriffs, and other Officers whatsoever, within this Government, to use their utmost Care and Diligence in detecting and apprehending the said Offenders, that they may be brought to Justice.

"*Given* under my hand and the Great Seal of the said Province, at Philadelphia, the twenty-second day of November, in the Year of our Lord one thousand seven hundred & Sixty-three, And in the Fourth Year of His Majesty's Reign.

"JOHN PENN.

"By His Honour's Command,
"JOSEPH SHIPPEN, Junr. Secretary.
"GOD SAVE THE KING."

At a Conference held on Thursday, the 1st December, 1763, at the State House.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutt. Governor, &ca.

James Hamilton, Richard Peters, } Esqrs. Members
William Logan, Thos. Cadwalader, } of Council.

Joseph Fox, Esqr. and several other Gentlemen.

Papounan, Jno. Curtis, Sam Curtis, Conoy Sam, Jemmy Nappier, Job Chilloway & his Father, with several elderly Indians from Wighalousin.

John Curtiss who was sent by the Governor
day of last, with a Message to the Indians at Wighalousin, being returned from the Indian Country, attended with Papounan and several other Indians who accompanied him from thence, & addressing himself to the Governor, in behalf of Papounan and the Wighalousin Indians, spoke as follows:

"Attend to me Brother, and you our new Brother, who are lately arrived.

"You gave me a Belt of Wampum with a Message to send away to the Nanticokes, which I carried to them. When I delivered it there were Seven Nations present, who were very glad to receive it It went from Chenango to Onondago, among the Six Nations.

"Brothers:

"You must not take it amiss that I do not give you an answer to your Message; I shall send my Answer to Sir William Johnson, from whom you are to expect it.

"Brothers:

"We of the five Nation Council (the Nanticokes) are very glad that you want an answer so soon to your Belts. You shall know all your Brothers' minds of the Six Nations; They are doing their endeavours to reconcile all matters, and make all things easy.

"Brothers:

"We are desirous that we may use our mutual Endeavours to live in Friendship together. We can see very well, Brothers, that

the evil Spirit stands so between you and us that we can't see each other. This makes us tell you to join us in our Endeavours, that we may remove this evil Spirit on one side if we can; If you can't remove him out of the way, we shall live but a miserable Life.

"Brothers:

"You know, and can see, that we Indians are poor, weak, miserable People of ourselves, but if you join your endeavours to ours, we can remove him out of the way.

"Brothers:

"You told us this to remember how our forefathers and Grandfathers did, and the method they used to make Friendship.

"Brothers:

"You look but a little way, but I don't; I look as far back as the Creation, when God Almighty first made us, & placed the good Spirit in our Hearts.

"Brothers:

"I desire you to use your Endeavours to live in Friendship. We will do the same and use our Endeavors. On the Susquehanna three of my People lie killed by your People, but I don't regard them & shall still use my endeavours to preserve our Friendship.

"Brothers:

"You shall never hear a word come out of my Mouth on account of my Young Men, who lie dead on the Susquehanna; I shall, notwithstanding this, use my Endeavours to preserve our Friendship."

A String

Job Chilloway then stood up in behalf of Papounan, says:

"Brother:

"I have a Message to deliver to you from Newoleka. Newoleka says:

"Brother:

"Now I shall let you know how I have been used during my Friendship towards the English, I have done my endeavors to stop all these Enemy Indians who passed by me towards your Frontiers. They have threatened me to lay my head on the Logs & cut off my head for taking the White people's part, and they have threatened to tie me. They have put my Men in confinement, for taking the White People's part. Now I will let you know the Enemy Indians' Minds; What made them so strong that I could not stop them from doing any Mischief, and what they complained of against their Brethren, the English, and what these Enemy Indians say against You. I believe they have told me all they have to complain against you.

"They tell me that the English have killed more of us since the Peace has been made than they did in the first War. They charged these things to me, which gave my Mind great trouble; and after

those four Indians were killed at Fort Allen, I could not stop them by any means at all. I thought they would kill me, and my people, many a time, for offering to stop them.

"I have now told you all how I have been tormented in my Mind by these Indians."

A White String of three Links.

Newoleka further says:

"Brother:

"I am very glad that I have heard from you. I am now going to give an answer to your Message you sent me by Jn° Curtis.

"I am glad to find you have taken pity on me, and spoken to me in the kind manner you have done.

"Brother:

"I am glad to hear your Speeches. I am here at present, but can scarcely determine which way to turn myself with my Family, but I will let you know which way I think to remove. I shall go away to Sir William Johnson, among his Indians, where they hold Treaties of Friendship. I therefore, deliver you this Belt, as other Indians used to do, to let you know my mind."

A Belt of Seven Rows.

"We have now said all we had to say."

—

8th December, 1763.

MEMORANDUM:

The Governor received last Week, by the —— Packet, the following Letter, dated the 10th day of October last, from the Right Honourable the Lords Commissioners for Trade and Plantations, inclosing the King's Proclamation of the Seventh of the same Month, concerning the Establishment of several New Colonies in North America, and signifying His Majesty's pleasure, that the same should be made public in the several parts of this Government. His Honour, by the advice of his Council, this day issued a Proclamation for that purpose.

A Letter from the Right Hon'ble, the Lord's Commiss'rs. for Trade, &ca., to the Gov'r.

"Whitehall, October 10th, 1763.

"Sir:

"We have received His Majesty's Commands to send you the inclosed printed Proclamations, & to desire you will cause the same to be forthwith made Publick in the several parts of your Government, taking especial care that you do exactly conform to the orders and regulations therein contained, in so far as depends upon your-

self, and that you do strictly enjoin all Persons whatever, whom it may Concern, to pay a due Obedience thereto on their parts.

"We are, Sir,

"Your most Obedient, humble Servants,

"HILLSBOROUGH,
"SOAME JENYNS,
"Ed. BACON,
"JOHN YORKE.

"JOHN PENN, Esqr.

"*By the Honourable JOHN PENN, Esquire, Lieutenant Governor, and Commander-in-Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, and Sussex, upon Delaware.*

"A PROCLAMATION.

"WHEREAS, His Majesty was graciously pleased on the seventh day of October last, to issue His Royal Proclamation in the words following, vizt:

"GEORGE R.:

"*Whereas*, We have taken into our Royal Consideration the extensive and valuable Acquisitions in America, secured to our Crown by the late Definitive Treaty of Peace, concluded at Paris the tenth day of February last, and being desirous that all our loving Subjects, as well of our Kingdoms as of our Colonies in America, may avail themselves, with all convenient Speed, of the great Benefits and Advantages which must accrue therefrom to their Commerce, Manufactures, and Navigation, We have thought fit, with the Advice of our Privy Council, to issue this Our Royal Proclamation, hereby to publish and declare to all Our loving Subjects, that We have, with the advice of our said Privy Council, granted Our Letters Patent under our Great Seal of Great Britain, to erect within the Countries and Islands ceded and confirmed to us by the said Treaty, Four Distinct and separate Governments, stiled and called by the Names of Quebec, East Florida, West Florida, and Grenada, & limited & Bounded as follows, vizt:

"First. The Government of Quebec, bounded on the Labrador Coast by the River St. John, and from thence by a Line drawn from the Head of that River through the Lake St. John to the South end of the Lake nigh Pissin; from whence the said Line crossing the River St. Lawrence and the Lake Champlain, in Forty-five degrees of North Latitude, passes along the high Lands which divide the Rivers that empty themselves into the said River St. Lawrence from those which fall into the Sea; And also along the North Coast of the Bayedes Chaluers and the Coast of the Gulph of St

Lawrence to Cape Rosieres, and from thence crossing the Mouth of the River S^t^ Lawrence by the West end of the Island of Anticosti, terminates at the aforesaid River of S^t^ John.

"Secondly, The Government of East Florida, bounded to the Westward by the Gulph of Mexico & the Apalachicola River; to the Northward, by a Line drawn from that part of the said River where the Chatahouchee and Flint Rivers meet, to the Source of S^t^ Mary's River, and by the Course of the said River to the Atlantick Ocean; and to the Eastward and Southward by the Atlantick Ocean, and the Gulph of Florida; including all Islands within Six Leagues of the Sea Coast.

"Thirdly, The Government of West Florida, bounded to the Southward by the Gulph of Mexico, including all Islands within Six Leagues of the Coast from the River Apalachicola to Lake Pontchatrain; to the Westward by the said Lake, the Lake Mauripas, and the River Missisippi, to the Northward by a Line drawn due East from that part of the River Missisippi which lies in 31 Degrees North Latitude, to the River Apalachicola or Cotahouchie; & to the Eastward by the said River.

"Fourthly, The Government Grenada, comprehending the Island of that name, together with the Grenadines, and the Islands of Domnico, S^t^ Vincents, and Tobago.

"And, to the end that the open and free Fishery of our Subjects, may be extended to and carried on upon the Coast Labrador and the adjacent Islands, We have thought fit, with the advice of our said Privy Council, to put all that Coast from the River S^t^ Johns to Hudson's Streights, together with the Islands of Anticosti and Madalaine, and all other smaller Islands lying upon the said Coast, under the care and inspection of our Governor of Newfoundland.

"We have also, with the advice of our Privy Council, thought fit to annex the Islands of S^t^ Johns & Cape Breton or Isle Royal, with the lesser Islands adjacent thereto, to our Government of Nova Scotia.

"We have also, with the advice of our Privy Council aforesaid, annexed to our Province of Georgia, all the Lands lying between the Rivers Altamaha & S^t^ Mary's.

"*And Whereas*, it will greatly contribute to the speedy settling our said new Governments, that Our loving Subjects should be informed of Our paternal Care for the Security of the Liberties and Properties of those who are and shall become Inhabitants thereof, We have thought fit to publish and declare, by this, Our Proclamation, that We have, in the Letters Patent, under our Great Seal of Great Britain, by which the said Governments are constituted, given express Power and Direction to our Governors of our said Colonies respectively, that so soon as the state and Circumstances of the said Colonies will admit thereof, they shall, with the advice & consent of the members of Our Council, summon & call General Assemblies within the said Governments respectively, in such manner & form

as is used and directed in those Colonies and Provinces in America, which are under Our immediate Government; And We have, also, given power to the said Governor, with the consent of Our said Councils, and the Representatives of the People, so to be summoned as aforesaid, to make, constitute, & ordain Laws, Statutes, and Ordinances, for the Publick Peace, Welfare, and good Government of our said Colonies, and of the People and Inhabitants thereof, as near as may be agreeable to the Laws of England, & under such Regulations & Restrictions as are used in other Colonies; And in the mean time, & until such Assemblies can be called, as aforesaid, all persons inhabiting in, or resorting to our said Colonies, may confide in Our Royal Protection for the Enjoyment of the benefit of the Laws of Our Realm of England; for which purpose We have given power, under our Great Seal, to the Governors of our said Colonies respectively, To erect & Constitute, with the advice of our said Councils respectively, Courts of Judicature & Publick Justice within our said Colonies, for the hearing & determining all Causes, as well Criminal as Civil, according to Law and Equity, and as near as may be agreeable to the Laws of England, with Liberty to all Persons who may think themselves aggrieved by the Sentences of such Courts, in all Civil Cases, to appeal, under the usual Limitations and Restrictions, to Us in Our Privy Council.

"We have also, thought fit, with the advice of our Privy Council as aforesaid, to give unto the Governors and Councils of Our said Three New Colonies upon the Continent, full Power and Authority to settle and agree with the Inhabitants of our said New Colonies, or with any other Persons who shall resort thereto, for such Lands, Tenements, & Hereditaments, as are now, or hereafter shall be in our Power to dispose of, and them to grant, to any such Person, or Persons, upon such Terms, and under such moderate Quitrents, Services, & Acknowledgments, as have been appointed and settled in our other Colonies, and under such Conditions as shall appear to us to be necessary and expedient for the Advantage of the Grantees, and the Improvement and Settlement of Our said Colonies.

"*And Whereas*, We are desirous, upon all Occasions, to testify Our Royal Sense and Approbation of the Conduct & Bravery of the Officers and Soldiers of Our Armies, and to reward the same, We do hereby command and impower Our Governors of Our said Three New Colonies, and all other Our Governors of Our Several Provinces on the Continent of North America, to grant, without Fee or Reward, to such reduced Officers as have served in North America during the late War, and to such private Soldiers as have been, or shall be disbanded in America, and are actually residing there, & shall personally apply for the same, the following Quantities of Lands, subject, at the expiration of ten Years, to the same Quitrents as other Lands are subject to in the Province within which they are granted, as also subject to the same Conditions of Cultivation and Improvement, viz^{t}:

"To every Person having the Rank of a Field Officer, Five

thousand Acres; To every Captain, Three thousand Acres; To every Subaltern, or Staff Officer, Two thousand Acres; To every Non-Commission Officer, Two hundred Acres; To every private Man, fifty Acres.

"We do likewise authorize and require the Governors & Commanders-in-Chief of all Our said Colonies, upon the Continent of North America, to grant the like quantities of Land, and upon the same Conditions, to such Reduced Officers of our Navy of like Rank, as served on Board our Ships of War in North America, at the times of the Reduction of Louisburg and Quebec in the late War, and who shall personally apply to our respective Governors for such Grants.

"*And Whereas*, it is just and reasonable, and essential to Our Interest & the Security of Our Colonies, that the several Nations or Tribes of Indians with whom We are connected, & who live under Our Protection, should not be molested or disturbed in the possession of such parts of Our Dominions & Territories as, not having been ceded to or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds; We do, therefore, with the advice of our Privy Council, declare it to be Our Royal Will and Pleasure, that no Governor or Commander-in-Chief of any of Our Colonies of Quebec, East Florida, or West Florida, do presume, upon any pretence whatever, to grant Warrants of Survey, or pass any Patents for Lands beyond the Bounds of their respective Governments, as described in their Commissions; as also, that no Governor or Commander-in-Chief in any of our other Colonies or Plantations in America, do presume, for the present, and until Our further pleasure be known, to grant Warrants of Survey, or pass Patents, for any Lands beyond the Heads or Sources of any of the Rivers which fall into the Atlantick Ocean from the West & North West, or upon any Lands whatever, which, not having been ceded to, or purchased by Us, as aforesaid, are reserved to the said Indians, or any of them.

"And We do further declare it to be our Royal Will & Pleasure, for the present as aforesaid, to reserve under Our Sovereignty, Protection, and Dominion, for the use of the said Indians, all the Lands and Territories not included within the Limits of Our said Three New Governments, or within the Limits of the Territory granted to the Hudson's Bay Company, as also all the Lands & Territories lying to the Westward of the Sources of the Rivers which fall into the Sea from the West and North West, as aforesaid; And We do hereby strictly forbid, on pain of Our displeasure, all our loving Subjects from making any purchases or Settlements whatever, or taking Possession of any of the Lands above reserved, without our especial Leave and Licence for that purpose first obtained.

"And We do further strictly enjoin and require all Persons whatever, who have either wilfully or inadvertently seated themselves upon any Lands within the Countries above described, or

upon any Lands which, not having been ceded to or purchased by Us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such Settlements.

"*And Whereas*, great Frauds and Abuses have been committed in the purchasing Lands of the Indians, to the great prejudice of our Interest, and to the great Dissatisfaction of the said Indians; in order, therefore, to prevent such Irregularities for the future, & to the End, that the Indians may be convinced of our Justice and determined Resolution to remove all Reasonable Cause of Discontent, We do, with the advice of our Privy Council, strictly enjoin and require, that no private Person do presume to make any purchase from the said Indians of any Lands reserved to the said Indians, within those parts of our Colonies where We have thought proper to allow Settlement, but that if at any time any of the said Indians should be inclined to dispose of the said Lands, the same shall be purchased only for Us, in Our Name, at some publick Meeting or Assembly of the said Indians, to be held for that purpose, by the Governor or Commander-in-Chief of Our Colonies, respectively, within which they shall lie, and in case they shall lie within the Limits of any Proprietary Government, they shall be purchased only for the use and in the Name of such Proprietaries, conformable to such Directions & Instructions as We or they shall think proper to give for that purpose; And We do, by the advice of Our Privy Council, declare and enjoin, that the Trade with the said Indians shall be free and open to all Our Subjects whatever, provided that every person who may incline to Trade with the said Indians, do take out a Licence for carrying on such Trade, from the Governor or Commander-in-Chief of any of our Colonies, respectively, where such person shall reside, and also give security to observe such Regulations as We shall at any time think fit, by Ourselves or by Our Commissaries, to be appointed for this purpose, to direct & appoint for the Benefit of the said Trade; And We do hereby Authorize, enjoin, & require the Governors & Commanders-in-Chief of all Our Colonies, respectively, as well those under our immediate Government as those under the Government & Direction of the Proprietaries to grant such Licences without Fee or Reward, taking especial care to insert therein a Condition, that such Licence shall be void, and the security forfeited, in case the person to whom the same is granted shall refuse or neglect to observe such Regulations as We shall think proper to prescribe, as aforesaid.

"And we do further express, enjoin, and require all officers whatever, as well military as those employed in the management & direction of Indian Affairs, within the Territories reserved as aforesaid for the use of the said Indians, to seize and apprehend all persons whatever, who, standing charged with Treasons, Misprisions of Treason, Murders or other Felonies or misdemeanors, shall fly from Justice & take refuge in the said Territory, and to send them, under a proper Guard, to the Colony where the Crime was commit-

ted of which they stand accused, in order to take their tryal for the same.

"Given at Our Court at St. James's the Seventh day of October, one thousand seven hundred and sixty-three, in the Third Year of Our Reign.

"*And Whereas*, a Copy of the said Proclamation hath been transmitted to me by the Right Honourable the Lords Commissioners of Trade & Plantations, who have also signified to me His Majesty's Royal Will and Pleasure that the same should be published in the several parts of my Government, to the End that all His Majesty's Subjects there may pay due Obedience thereto, and strictly observe the same. I have, therefore, in Obedience to the said Royal Order, signified to me as aforesaid, with the advice of the Council, caused the said Proclamation to be this day published, and do hereby strictly charge and command all His Majesty's Subjects within this Province to take notice of His Royal Will & Pleasure therein made known, & to conform themselves thereto accordingly.

"*Given* under my hand and the Great Seal of the Province of Pennsylvania, at Philadelphia, this Eighth day of December, in the Fourth Year of His Majesty's Reign, And in the Year of our Lord one thousand seven hundred and Sixty-three.

"JOHN PENN.

"By His Honour's Command,
"JOSEPH SHIPPEN, Junr. Secretary.
"GOD SAVE THE KING."

At a Council held at Philadelphia on Saturday the 10th December, 1763.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c.

Benjamin Shoemaker, William Logan, Richard Peters, } Esqrs.

Papounan, a Mohickon, John Curtis, Nanticoke, Job Chilloway, Delaware, } Indians from Wighalousin.

The Governor addressed himself to Papounan & the others, & spoke as follows:

"Brethren:

"Every thing you said to me at your last Meeting has been well considered, and is very agreeable to me. I return you my thanks for it, and particularly I think myself obliged to John Curtiss, for the dispatch & care wherewith he has executed my Message."

A String.

"Brethren:

"You have behaved like Persons who are sensible of the Engagements they are under, to perform faithfully all that they have promised in their publick Treaties of Peace and Friendship.

"Were we to enter into the particular Cruelties and the number of barbarous Murders committed against our Inhabitants, at a time when they thought all was ended, it would astonish you. But as you have expressed yourselves determined to forget every thing of this Nature, and we see by your good Speeches you have good Dispositions, we shall not on our part mention any of these disagreeable matters, but, so far as you are concerned, pass them by without any further Notice at present; and by this String we bury them and cover them out of sight."

A String of 4 Links.

"Brethren:

"Newoleka did well to be so open in telling you all that was upon his Mind, and We shall take the first Opportunity that offers, to send a Message to him. We thank you for your care in delivering to us what Newoleka said to you."

I now address myself to Papounan.

"Brother Papounan:

"I shall wait with patience for the answer of the Nanticokes & the other Indians to the Message I sent by Jn° Curtiss. But you know that you and Our Brethren at Wighalousin, to consider and advise what method would be best to be taken for the Security and Protection of you and all other Indians as are against the War, and desirous that there should be between us and them a continuance of mutual good Offices, and of every thing that becomes good Friends and Brethren.

"I therefore now request you to let me know what you think should be done in this matter, which will not admit of longer delay, and likewise that you would tell me, if you can, who these Enemy Indians are, who are committing the present Ravages and Murders upon the Frontiers; And as I look upon you to be my Friend, I desire you will open your Heart very freely to me, & tell me what are their Reasons for so doing."

Papounan, after retiring for half an hour to consider of an Answer to the Governor's Questions, spoke as follows:

"Brother:

"I can scarcely find what to say in answer to my Brother. As to my own part, I can't answer for the Behaviour of any of the Indians who live to the Westward at and about Allegheny, and in the Seneca Country; What I know is chiefly respecting some of the Delawares & Munseys. As to ourselves and the few Indians in my Neighborhood, who speak but one Language, the Delawares & Munseys, I know their Minds.

"Since the last War, when we entered into our Treaties of Friendship, We, the Indians on this side Allegheny, then thoroughly purged & cleaned ourselves, and buried all the Blood that was Spilt.

"After the English built the Forts & Garrisoned them, the Indians became uneasy & they and the English begun to kill each other, And tho' we intended to live in Friendship, agreeable to our Treaties, yet whenever our people went a hunting, they were killed by the Soldiers.

"After the Friendly and good Speeches were delivered at the Treaties, we on the Susquenanna were inclined to live in Friendship with the English, & our people, on the strength of those friendly Speeches, went a Trading and Hunting towards the Allegheny, and the Soldiers there, not knowing our good Intentions, killed our people, on which some of the Indians at Allegheny came and fell on the People on the Frontiers; this made some of your Soldiers at Augusta and Fort Allen kill some of our Indians, who are your Friends.

"It gives me pleasure to tell my mind to my Brother the Governor, as he has spoke so favourably and kindly to me.

"Brother:

"I will now acquaint you what I have heard with my own Ears, and not from Hearsay. The Indians say that notwithstanding the English have entered into a Treaty of Peace, their people still continue to kill our People; they dont understand this Conduct, and are therefore determined to strike the English themselves, & if after they have struck them, the English declare themselves willing to live in Friendship, we shall then believe them.

"Now I will tell you what a Company of the Warriors (the Munseys) who are now striking you, said to me, on my coming away. 'Now Brothers, you are going down among your Brethren, the English, I and all the Warriors should be very glad to know whether they treat you kindly or not, and how you are used.

"And now, Brother, I am exceedingly obliged to you that you have received me so kindly, and spoke so favourably to me, & I should be glad you will let me return to the Indian Country, that I may let the Indians there know how friendly I have been received, and that I may make them acquainted with what you have said on those two things; And I desire you will convoy me safe thro' the Inhabitants.

"Brother:

"In answer to your desire to know of us in what manner we and those friendly Indians we have left behind, proposed to live in Security, We now tell you that we have not any better method to take for the security of all such Indians as are friendly disposed to you, than to invite them in as you have done us. The Message you sent us on this account, by Jn°. Curtis, was not delivered to us in

the manner you now mention, it was told to us that you desired we should come in, & we came accordingly. Had it been delivered in the manner you mention for us to consider this matter in our Indian Council, we should have done it, but it was not.

"Brother:

"You desired me to inform you what steps can be taken to secure our friendly Indians from being hurt by your Warriors; for my part I can't think of any, & I desire your advice & assistance; and particularly that you will not suffer any of your young Men or Soldiers to hurt Newoleka, or any of his people, as he is your hearty friend, and was one of the first Indians who took hold of the Belt of Friendship last War.

"Brother:

"I have laid open my heart to you, & have informed you of all that I have heard, on account of your kind usage to us.

"Now, Brother, I desire you will take pity on me, and not confine me in your Gaol on account of any false Reports or Stories that you may hear, as you have done one of our Brethren, who is now confined here. I am very glad to find the Governor takes pleasure in hearing me, and thank him for it; But I have now finished what I had to say."

At a Council held at Philadelphia, on Monday, the 19th Decem^{r}, 1763.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}.

Benjamin Shoemaker, William Logan, } Esq^{rs}.
Richard Peters, Benjamin Chew, }

The Governor laid before the Board an Address from the Conestogoe Indians, congratulating him on his Arrival, praying the Protection of the Government, & complaining of some Encroachments made on the Lands reserved for them, & desiring that they might be furnished with Provisions as usual, which was read, and is as follows, viz^{t}:

"*To the Honourable JOHN PENN, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, &ca, &ca.*

"Brother:

"We (the Conestogoe Indians) take the present opportunity, by Capt^{n} Montour, to welcome you into this Country by this String of Wampum, and as we were settled at this place by an Agreement of Peace and Amity established between your Grandfathers & ours,

We now promise ourselves your favour and protection, and as we have always lived in Peace and Quietness with our Brethren & Neighbours round us during the last & present Indian Wars, We hope now, as we are deprived from supporting our Families by hunting, as We formerly did, you will consider our distressed Situation, & grant our Women and Children some Cloathing to cover them this Winter. The Government has always been kind enough to allow us some Provisions, and did formerly appoint People to take care of us, but as there is no person to take that upon him, & some of our Neighbours have encroach'd upon the Tract of Land reserved here for our use, We would now beg our Brother the Governor to appoint our Friend Captain Thomas M'Kee, who lives near us and understands our Language, to take care, and see Justice done us.

"SOHAYS, ⋈ his Mark.
"INDIAN, ⋈ his Mark.
or CUYANGUERRYCOEA,
his
"SAGUYASOTHA, ⋈ or JOHN.
Mark.

"Conestogoe, Nov^r. 30th, 1763."

The Governor having received, on Friday last, a Letter, dated the 14th Instant, from Edward Shippen, Esq^r. at Lancaster, acquainting him that a Party of Armed Men had that Morning murdered Six of the said Conestogoe Indians at their Town, laid the same before the Board, which was read, viz^t.:

A Letter to the Governor from Edward Shippen, Esquire.

"LANCASTER, 14th December, 1763, Evening.

"Honoured Sir:

"One Robert Edgar, a hired Man to Captain Thomas M'Kee, living near the Borough, acquainted me to day that a Company of People from the Frontiers had killed and scalped most of the Indians at the Conestogoe Town early this Morning; he said he had his information from an Indian boy who made his Escape; Mr. Slough has been to the place and held a Coroner's Inquest on the Corpses, being Six in number; Bill Sawk and some other Indians were gone towards Smith's Iron Works to sell brooms; but where they are now we can't understand; And the Indians, John Smith, & Peggy, his Wife, and their child, and Young Joe Hays, were abroad last night too, and lodged at one Peter Swar's, about two miles from hence; These last came here this afternoon, whom we acquainted with what had happened to their Friends & Relations, and advised them to put themselves under our Protection, which they readily agreed to; And they are now in Our Work House by themselves, where they are well provided for with every necessary. Warrants are issued for the apprehending of the Mur-

derers, said to be upwards of fifty men, well armed & mounted. I beg my kind Complements to Mr. Richard Penn, & I am with all due Regards,

"Sir, Your Honour's Obliged
"Friend, and most humble Servant,
"EDW$^{D.}$ SHIPPEN.

"The Hon^{ble} JOHN PENN, Esq$^{r.}$ Governor."

Whereupon, the Council being moved with the cruelty & barbarity of the above action, & apprehending that the Indians who were settled at Conestogo were under the protection of this Government and its Laws, and that consequently the killing them without Cause or provocation, amounted in Law to the Crime of Murder, advised the Governor to write immediately to the Magistrates of the Counties of York, Lancaster, & Cumberland, to exert themselves on this Occasion, and issue Warrants, & do everything in their power for the Apprehending all the Principals concerned in the said Crime, & their Accomplices, and securing them, that they may be brought to Justice, and further, that a Proclamation be issued, ordering all Officers of Justice to be aiding & assisting therein.

Then was read the following Letter from General Gage, of the 12th Instant, renewing General Amherst's requisition of Troops from this Province, for carrying on an Offensive War against the Indians, viz^{t} :

A Letter from General Gage to the Governor.

"NEW YORK, 12 December, 1763.

"Sir:

"I am to hope, Sir Jeffery Amherst's departure from America, will make no alteration in respect of the Requisition he made in his Letter of the 5th Novem$^{r.}$ from the Province of Pennsylvania, of a body of One thousand Men for the Service of the next Year. But, as I have succeeded Sir Jeffery Amherst in the Command of His Majesty's Forces in North America, it behooves me to neglect nothing which might promote a Service so essential to the future Interests and happiness of all the Colonys; And, therefore, I think proper to make a fresh application to you on this Subject, trusting that the Requisition will not only meet with your Approbation, but that the necessity of the Service for which this aid is Demanded, is so Apparent, that it will meet with a favourable Reception from your Council & Assembly, & that we shall thereby be enabled to reduce the Savages to a Peace which shall be sure and lasting.

"Every thing which S$^{r.}$ Jeffery Amherst promised respecting the Victualling of the Troops and providing them with Arms & Tents, shall be complied with. I am, with great Regard, Sir,

"Your most Obedient humble Servant,
"THOS. GAGE.

"The Hon^{ble} Governor PENN.'

The Governor having summoned the House of Assembly to meet on this day, laid before the Board a Draft of a Speech, which he proposed to deliver to the Assembly as soon as they informed him of their being met, and the same was read & approved, and is as follows:

Mr. Speaker and Gentlemen of the Assembly.

"Nothing but my indispensable duty to His Majesty, and a sincere Desire to promote the Welfare and Happiness of the Good People of this Government (to which the Honourable Proprietaries, with the King's Royal Approbation, have lately been pleased to appoint me), could have prevailed on me to call you together before the time of your own adjournment, as I presume you had considered and fixed upon that as the most convenient to your domestick affairs; But I am persuaded the same motives which have influenced me on this occasion, will induce you chearfully to prefer the necessary Service of the Publick to all private Considerations.

"I am to inform you, Gentlemen, that very soon after my Arrival, I received a Letter from Sir Jeffery Amherst, designed at first, for my immediate Predecessor, Mr. Hamilton, but (on notice of my having taken upon me the Government), inclosed to me, in which he requests that I would use my influence with the Council & Assembly of this Province, to raise one thousand Men, exclusive of Commissioned Officers, to be divided into Two Corps, of Ten Companies each, commanded by their proper Field Officers, and that it will be necessary the whole should be raised and ready to join the King's Troops, or to be sent on such Service as the Commanding Officer in the Southern District may direct, by the first of March next, and the time of their Service limited to the first of November following; tho' he hopes every thing may be finished long before that period, in which case the Troops will be sent back to the Province. You will see by the Letter which I have ordered to be laid before you, that the General undertakes to furnish the Men that shall take the Field with Tents, Provisions, and Arms, at the King's expence. All, therefore, that is desired of us, is, to make provision for their pay, and to find them in Cloathing, which may consist of a short Jacket, flannel Waistcoat, Leggings, &ca. You will also be informed by the said Letter, that the General hath made Applications to the provinces of New York and New Jersey, and to the Colony of Virginia, for certain Quotas of Men, to act in Conjunction with the King's Troops offensively against the Indians, the former by way of Lake Erie, &c[a], the latter in concert with ours, against the Delawares, Shawanese, and other Tribes, who have committed Hostilities against us. These measures he judges to be the most probable for crushing the present Insurrections of the Indians, & the most effectual for reducing them, & securing Peace and Quiet to the Settlements hereafter. This Requisition hath since been warmly re-

newed by General Gage, who hath lately succeeded to the Chief Command of His Majestie's Forces in North America.

"Gentlemen:

"Every Man who is acquainted with the great Extent of Frontier of this and the neighboring Colonies, and considers the manner in which the Indians make War, must see the Disadvantages each particular Province must labour under in endeavouring singly to defend its own Settlements, and that nothing but a vigorous exertion of the united Strength of the whole, & carrying the War into the Enemie's Country, can effectually secure our back Inhabitants from the barbarous inroads of the Savages, Or is so likely to reduce them speedily to hearken to reasonable Terms of Accommodation. I do, therefore, most heartily recommend this matter to your Consideration, and doubt not from your known Zeal for the King's Service in general, and your regard for the safety of this Province in particular, you will comply with a Demand which may be attended with such happy Effects to both.

"Gentlemen:

"I, with pleasure, take the first opportunity of speaking to you as a Body, to acquaint you that I have it in charge from the Proprietaries to assure you of their paternal Regard and affection for the good people of this Province, and that they wish for nothing more than to promote their real Happiness. As to myself, I can with great Truth say, that I am most sincerely disposed to do every thing in my power that may tend to the advantage & prosperity of the Province, and to cultivate and improve that Harmony and good understanding with this and all future Assemblies, during my Administration, which is so essentially necessary to the publick good, as well as to the ease and happiness of the several Branches of the Legislature.

"JOHN PENN.

"20th December, 1763."

The Governor, agreeable to the advice of the Council, wrote the following Letter to the magistrates of York, Lancaster, & Cumberland Counties, viz^{t}:

"PHILADELPHIA, 19th Decem^{r}, 1763.

"Gentlemen:

"Having received Information that on Wednesday, the 14th Instant, a party of Men, armed and mounted, did, without cause or provocation, and in defiance of all Authority, proceed to the Conestogo Indian Town, in Lancaster County, and murder Six of our Friendly Indians, settled there under the Protection of this Government and its Laws. I do hereby direct and require you immediately to exert yourselves on this occasion, & to issue Warrants and take all other Measures in your power for the apprehending all

the Principals concerned in the murder of the said Indians and their accomplices, & securing them in some of the Gaols of this Province, that they may be brought to Justice, & receive a legal tryal for the Crimes they have committed.

"I am, Gentlemen,

"Your very humble Servant,

"JOHN PENN.

"To the Magistrates of the Counties of Lancaster, York, and Cumberland."

At a Council held at Philadelphia, on Tuesday, the 20th December, 1763.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Benjamin Shoemaker, Richard Peters, } Esq^rs.
William Logan, Benjamin Chew, }

The Governor, having received a Message this morning from the Assembly by two members, acquainting him that a Quorum of the House was met pursuant to His Summons, and were ready to receive any thing he had to lay before them, and that they desired a Copy of the Writ by which the House were convened, to which the Governor made answer that he intended to meet them in the Council Chamber this day at 12 o'Clock, & should send the Secretary with one of the Writs.

The Council being met, the Secretary was ordered to acquaint the House that he required their attendance in the Council Chamber, and to deliver to them one of the Writs by which they had been called together.

The Speaker and the whole House attending, accordingly the Governor made the Speech to them agreed upon Yesterday.

The Governor then delivered to the Speaker the several Letters from General Amherst & General Gage, referred to in his Speech.

At a Council held at Philad^a, on Wednesday, the 21st December, 1763.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

William Logan, Richard Peters, & Benj^n. Chew, Esquires.

The Council taking into Consideration the late Conferences with Papounan & other Indians from Wighalousin, as well as the un-

happy affair of the Conestogo Indians, were of opinion, that the few friendly Indians left at Wighalousin by Papounan should be invited down to Philadelphia, & be taken under the protection of the Government, & that those of the Conestogo Indians who escaped the Fury of the Rioters, ought to be immediately removed for their better Security, & therefore advised the Governor to desire the Concurrence of the Assembly in these Measures, & that they would provide for the necessary expence attending them; for which purpose a draught of a Message was immediately prepared, read and approved, & the Secretary was ordered to transcribe the same, and carry it to the House this Evening, and at the same time lay before them the Minutes of Indian Conferences therein referred to for their perusal.

A Message from the Governor to the Assembly.

"Gentlemen:

"I lay before you the Minutes of several Conferences I have held with Papounan & some other Indians, who live at Wighalousin, on the River Susquehanna. I have no reason to doubt that they have disclosed to me all that they really know of the present state of the Indian War, and of the Cause assigned by the Enemy Indians in their Neighbourhood for their renewing Hostilities against us. They have intimated to me that they, and a few others with whom they are connected, being really our sincere Friends, are uneasy at their present Situation, and would incline to come and live among us, if we would receive & protect them. They have been very importunate with me for an immediate Answer, alledging, as they have been very kindly treated by us, if this overture should be likewise favourably accepted, that it would confirm those who are already well disposed, & also incline many others, who are at present in Arms against Us, to sue for Peace.

"The Commissioners who are joined with me in the Disposition of the Publick Money, were made acquainted with this affair; and tho' they agreed with me as to the Expediency and Utility of the Measure, yet as it would be attended with Expence, & the public Funds were nigh exhausted, we did not think proper to go into it. I therefore recommend it to you to consider this matter, & if you concur with me in Opinion that this will be for the public Service, & will provide a Fund on the Occasion, I desire you will give me your answer as soon as possible, that I may no longer detain the Indians, who are impatient to return home with my Messages.

"I am also to lay before you a piece of intelligence I received from Lancaster on Friday last, which has given me the utmost Concern. On the 14 Instant a number of People well armed & mounted, went to the Indian Town in Conestogoe Manor, and, without the least Reason or Provocation, in cool blood, barbarously killed Six of the Indians settled there, & would probably have

treated all the rest with the same cruelty, had they not Providentially been abroad at that time; & after burning all their Houses the Perpetrators of this inhuman & wicked Action retired.

"As the Indians were seated on the Manor by the Government, & had lived there peaceably & inoffensively during all our late Troubles, I conceived they were as much under the Protection of the Government, & its Laws, as any others amongst us, wherefore I thought it my Duty to do every thing in my power for the immediate apprehending & bringing to Justice the Authors of this horrid Scene; & accordingly, by the advice of the Council, I have dispatched Letters to the Magistrates of Lancaster, Cumberland, and York Counties, requiring and charging them to exert themselves & endeavour, by all possible means, to discover and secure the Principals concerned in this outrageous Act, and their Accomplices. I am also preparing a Proclamation, ordering and requiring all officers civil and military, and all His Majesty's Subjects in this Government, to be aiding and assisting to the Magistrates in the Execution of the Laws on this unhappy occasion. Such of the Conestogoe Indians as had the good fortune to escape the Fury of the abovementioned lawless Party, are now taken under the protection of the Magistracy at Lancaster, and are secured in the Workhouse there, but are in great distress for want of necessaries & Apparel, having lost every thing except the little they had on their backs, in their Houses which were burnt.

"As they do not apprehend themselves to be safe where they are, they have, by a verbal Message by one of your Members, requested of me that they may be removed to this city, or its Neighbourhood; and I am very ready to comply immediately with their desire, provided you will enable me to defray the Expence of it.

"JOHN PENN.

"December 21st, 1763."

Thursday, 22d December.

This day the Governor issued the following Proclamation, by the advise of the Council, on the 19th Instant, viz^{t}:

"*By the Honourable JOHN PENN, Esquire, Lieutenant Governor & Commander-in-Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, & Sussex, upon Delaware:*

"A PROCLAMATION.

"Whereas, I have received Information that on Wednesday the fourteenth day of this Month, a number of People armed & mounted on Horseback, unlawfully assembled together, & went to

the Indian Town in the Conestogoe Manor, in Lancaster County, and without the least Reason or Provocation, in cool blood barbarously killed Six of the Indians settled there, and burnt & destroyed all their Houses & Effects. *And Whereas,* so cruel and inhuman an Act committed in the Heart of this Province, on the said Indians, who have lived peaceably and inoffensively among us during all our late Troubles, and for many Years before, & were justly considered as under the protection of this Government and its Laws, calls loudly for the vigourous Exertion of the civil Authority to detect the Offenders and bring them to condign Punishment, I have therefore, by and with the advice and consent of the Council, thought fit to issue this Proclamation, and do strictly charge and enjoin all Judges, Justices, Sheriffs, Constables, Officers, Civil and Military, and all other his Majesty's liege Subjects within this Province, to make diligent Search & Enquiry after the Authors & Perpetrators of the said Crime, their Abettors and Accomplices, and to use all possible means to apprehend and secure them in some of the Public Gaols of this Province, that they may be brought to their Tryals, and be proceeded against according to Law.

"*And Whereas,* a number of Indians who lately lived on or near the Frontiers of this Province, being willing and desirous to preserve and continue the ancient Friendship which heretofore subsisted between them and the good People of this Province, have, at their earnest request, been removed from their Habitations and brought into the County of Philadelphia, and seated for the present, for their better Security, on the Province Island & in other places in the neighbourhood of the City of Philadelphia, where Provision is made for them at the Publick Expence. I do therefore hereby strictly forbid all Persons whatsoever, to molest or injure any of the said Indians, as they will answer the Contrary at their Peril.

"*Given* under my hand and the Great Seal of the said Province, at Philadelphia, the twenty-second day of December, Anno Domini, one thousand seven hundred and sixty-three, And in the Fourth Year of His Majesty's Reign.

"JOHN PENN.

"By His Honour's Command.

"JOSEPH SHIPPEN, Jun^r^, Secretary.

"GOD SAVE THE KING."

Saturday, the 24th December.

The Governor received a Message from the Assembly by two Members, acquainting him that the House proposed to present an Address to His Honour, and desired to know when he would be

pleased to receive it, & that they were inclinable to adjourn till Monday, the 2nd January next, if it was agreeable to him; To which the Governor answered, that he would be ready to receive the address of the House at half an hour after 4 o'Clock this afternoon, in the Council Chamber, and that he had no objection to their proposed short Adjournment. The said Members, at the same time, presented to the Governor the following written Message from the House:

A Message to the Governor from the Assembly.

"May it Please your Honour:

"We have taken into our Consideration your Honour's Message of the 21st Instant, & are extreamly concerned to hear of the unprovoked Cruelties committed on the peaceable Indians settled in Conestogoe Manor.

"We thank the Governor for communicating this Intelligence and the Indian Conferences to Us, and for the Measures he has taken to have the Perpetrators of this horrid Barbarity, and their Accomplices, apprehended and brought to Justice.

"We will provide for the removing and maintaining such of these unhappy People as have escaped the Fury of the above mentioned lawless Party, and desire your Honour will be pleased to order them to be brought down to some place of Safety as soon as it can conveniently be done.

"We shall also make Provision for the support of the few friendly Indians at Wighalousin, on Susquehanna, who incline to come and live among us, whenever your Honour shall think proper to invite them into the interior parts of the Province.

"Signed by order of the House,

"ISAAC NORRIS, *Speaker.*

"December 24th, 1763."

—

Eodem Die, 4½ o'Clock, P. M.

The Governor having ordered the Secretary to acquaint the House that he was in the Council Chamber & ready to receive them, They attended accordingly, and the Speaker delivered the following address, viz^{t}:

"*The Address of the Representatives of the Freemen of the Province of Pennsylvania, in General Assembly met:*

"*To the Honourable JOHN PENN, Esquire, Lieutenant Governor, & Commander-in-Chief of the Province aforesaid, and Counties of Newcastle, Kent, and Sussex, upon Delaware:*

"May it Please your Honour:

"The Representatives of the Freemen of the Province of Pennsylvania, in General Assembly met, with the most cordial Satisfac-

tion, embrace this Opportunity to congratulate your Honour on your safe arrival among us, and your accession to this Government. The appointment of one of the Descendants of our first worthy Proprietary to preside over the Province, gives us high Pleasure, and, we doubt not, is very agreeable to the People we represent, as we are induced to hope for many Advantages from the Administration of one of the Proprietary Family, whose true Interest is certainly so intimately united with that of the People, that neither can suffer an Injury by any unfortunate Disunion, without affecting the other.

"Permit us, therefore, to return your Honour our sincere thanks for the warm Professions you are pleased to make, of doing every thing in your power that may tend to the advantage and prosperity of the Province, & to cultivate and improve Harmony and a good Understanding with Us and all future Assemblies. A Conduct so judicious and obliging, must certainly render your Government easy and agreeable to yourself, & happy to the People, as you may be assured nothing shall be wanting on our part to protect and preserve that Harmony so essentially necessary at all times for the case of the several Branches of the Legislature & the public Welfare.

"Permit us, also, to request you will be pleased to return the Honourable Proprietaries our hearty acknowledgments for the Assurances they give us of their paternal Regard and Affection for the good People of this Province, & their inclination to promote our real happiness. Such a Disposition, we are persuaded, will secure to our Proprietaries the Esteem and Respect of the Inhabitants of the Province, and induce them on all Occasions to unite in promoting the Proprietary Interest & Happiness of their Families.

"May it Please your Honour,

"The good Opinion you are pleased to entertain of our zeal for His Majesty's Service, and our Regard for the Safety of the Province is very grateful to us; The paternal Affection of the best of Sovereigns for his Subjects, however remote, and his constant attention to the preservation of their Rights & Liberties, justly demand the highest Degree of Loyalty and affection for His Royal Person, & Zeal for his Service, that a grateful People can possibly demonstrate; and the important Charge with which we are entrusted, & our inviolable Duty to the People we represent, we hope will ensure to them our utmost Regard to their Protection and safety. Influenced by these motives, we have resolved to comply fully with the General's requisition, recommended to us by your Honour, in granting to His Majesty a thousand Men, exclusive of Commissioned Officers, to be divided into two Corps, Commanded by their proper Field Officers; and we shall immediately proceed to prepare a Bill for the raising of the Supplies necessary for the Cloathing & paying the Troops, that the same may be presented to your Honour for your Concurrence.

"To this important measure we have acceded with the utmost Chearfulness, from a Conviction that nothing less than a vigorous Exertion of the united Strength of the Colonies in offensive Operations against the Enemy, and making them sensible of the weight of our just Resentment for their Perfidy in captivating & cruelly murdering our Inhabitants, as well as Traders who were supplying them with the necessaries of Life, at their own Instance & Solicitation, can procure a Restitution of our Fellow Subjects, who have been perfidiously taken or detained since the late Peace, contrary to express Treaties; nor can any thing less, in our Opinion, obtain a Redress for the losses sustained by our merchants, Traders, and others, his Majesty's Subjects in this Province, and reduce the Emeny to accept of reasonable Terms of Accommodation; and at the same time that we have resolved thus fully to comply with the General's Requisition, we make no doubt the Lower Counties, under your Honour's Government, will likewise chearfully raise a proportionable number of Men for the same important Service.

"Signed by Order of the House.

"ISAAC NORRIS, *Speaker.*

"Decem^r 24th, 1763."

To which the Governor was pleased to return an Answer in these words, viz^t:

"Gentlemen:

"I am extreamly obliged to you for your kind & affectionate Address. I shall take a particular pleasure in communicating to the Proprietaries that part of it wherein you are pleased to express the due Sense you have of their Regard and Affection, which I know will be most acceptable to them.

"Your speedy resolutions respecting the General's requisition of Troops to be employed in offensive Operations against our Indian Enemies, & the Chearfulness with which you have voted the full Quota demanded, cannot fail to recommend you to His Majesty's favour, as you thereby Testify your Zeal for his Service, as well as your Regard for the safety & Happiness of the People of this Province.

"JOHN PENN.

"Decem^r 24, 1763."

Then the Speaker gave the Governor a Certificate for £600 towards his Support for the ensuing Year.

At a Council held at Philadelphia on Thursday the 29 December, 1763.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieuten't Governor, &ca.

James Hamilton, Richard Peters, Benjamin Shoemaker, Lynford Lardner, William Logan, Benjamin Chew, Thomas Cadwalader, } Esquires.

The Governor received last Night, by Express, the following Letter from Edward Shippen, Esquire, at Lancaster, which was laid before the Board for their Consideration, & is as follows:

"LANCASTER, 27th Decem^r. 1763, P. M.

"Honoured Sir:

"I am to acquaint your Honour that between two and three of the clock this afternoon, upwards of a hundred armed men, from the Westward, rode very fast into Town, turned their Horses into Mr. Slough's (an Inn-keeper) Yard, and proceeded with the greatest Precipitation to the Work House, stove open the door and killed all the Indians, and then took to their Horses and rode off, all their business was done, and they were returning to their horses before I could get half way down to the Work house; The Sheriff and Coroner, however, & several others, got down as soon as the Rioters, but could not prevail with them to stop their hands; some people say they heard them declare they would proceed to the Province Island, and destroy the Indians there.

"I am with great Respect, Sir,

"Your Honour's most Obedient humble Servant,

"EDW^D SHIPPEN.

"The Hon^ble JN^O. PENN, Esq^r., Gov^r."

The Council being of opinion that the Indians under the Government's protection on the Province Island, were greatly exposed in their present Situation to danger of being molested by the Rioters, & that it would be proper to contrive immediate Means for their defence, agreed that Three Flatts & 3 small boats should be sent without delay to the Province Island for the use of the Indians, that they might, on any intelligence of the approach of the Rioters, make their escape, till more effectual measures should be fallen on for their Protection.

The Council further advised the Governor to dispatch the Express back to Lancaster, with a Letter to Mr. Edward Shippen, desiring him to gain all the Intelligence in his power, respecting the further designs and motions of the lawless Rioters, and to endeavour to learn the names of any of the Ringleaders or persons con-

cerned in the murder of the Indians in the Work House, and to acquaint the Governor, from time to time, by Express, with every piece of Intelligence he should receive concerning them.

The Governor was also advised to write to Colonel Armstrong, at Carlisle, and the Rev^{d} Mr. Elder, at Paxton, to exert themselves on this occasion, by using all means in their Power, to discover and detect the Rioters, and to suppress all such Insurrections among the People under their influence for the future.

The Council were likewise of opinion that a high reward should be offered for the apprehending & securing the Ringleaders of the Rioters, and the Provincial Commissioners being called in, and concurring with this Measure, they advised that a Proclamation for that purpose be immediately issued by the Governor, offering a Rewardof Two hundred pounds each, for the detection of the said Ringleaders, and that any accomplice, not immediately concerned.

The Governor then proposed to the Council, that his Brother, Mr. Richard Penn, should be admitted as a Member of Council, which was unanimously agreed to by the Board, who expressed a particular Satisfaction and pleasure in having so worthy a Member added to their number.

At a Council held at Philad^{a} on Saturday, 31st Decem^{r} 1763.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieuten^{t} Governor, &c^{a}

Benjamin Shoemaker,	Benjamin Chew,	Esquires.
Willliam Logan,	Lynford Lardner,	
Richard Peters,	Joseph Turner,	

The Council again taking into Consideration in what manner the friendly Indians at the Province Island might be most effectually secured from the attacks of the Rioters, who lately broke open the Gaol at Lancaster, and killed the Indians there, & have threatened to come down and destroy the Indians placed by the Governor on the said Island, advised the Governor to raise, forthwith, a Company of fifty Men with their proper Officers, and to give them orders to take post at the Province Island, and to keep sufficient Guards over the said Indians, Night and Day, & to defend them to the utmost of their power against all attempts to injure or molest them; having first obtained the Concurrence of the Provincial Commissioners to defray the expence of the above Measure.

A Letter from the Sheriff of Lancaster, of the 27th of December Ins^{t} with the list of Conestogoe Indians were read, and ordered to be put on these Minutes:

A Letter to the Governor from John Hay, Esq., Shff. of Lancasr. Co'ty.

"LANCASTER, the 27 Decem^{r} 1763.

"Sir:

"Agreeable to your Orders to me when at Philadelphia, I here inclose a List of the names of the Indians found killed at the Indian Town in Conestogoe Manor, with the names of the Survivors, fourteen in number, whom I found, on my Return, had been collected and placed in the Work house of this County, by my Son, with the assistance of John Miller & Rob^{t} Beatty (who by appointment of Mess^{rs} Hockley & Peters, had the Care of the Indians belonging to the Town), where they are properly taken care of, & fed, & wait for your Honour's further directions relating to them.

"I, likewise, agreeable to your Order, give herewith, an account of the Effects and Papers which have been found, belonging to the said Indians, which now remain in the possession of the said Miller and Beatty, in trust for the Indians, to witt:

"Three Horses,

"A Writing, or Parchment, purporting an Article of Peace & Amity concluded between the Governor of Maryland & the Chiefs of the Conestogoe & other Indians.

"A Writing on Parchment, purporting An Article of Agreement between William Penn, Proprietary, &ca., of Pennsylvania, and the King of the Indians inhabiting in or about the River Susquehannah, and other Indian Nations, dated the three & twentieth day of the second month, called April, in the Year one thousand, seven hundred & one.

"'A Letter (which seems to be under the Lesser Seal of the Province), signed W. Keith, dated Philadelphia, May 26, 1719, directed to Civility, & the rest of the Indian Chiefs at Conestogoe.

"'A Letter (which seems to be under the Lesser Seal of the Province), signed W. Keith, dated Philad^{a}, 5th May, 1719, directed to Civility, or Tagotelessa, & the Indian Chiefs at and near Conestogoe.

"'A Writing, purporting a Letter, signed James Logan, dated the 22nd 4 m^{o} 1717, directed to Civility, & the other Indian Chiefs at Conestogoe.

"'A Paper (which seems to be under the Lesser Seal of the Province), signed James Logan, purporting An Order of Council held at Philadelphia, Sept^{r} 28th, 1708, or a Request to the Indians to apprehend Nichole Godin, on suspicion of several treasonable Practices against the Government.

"'And Two Belts of Wampum.'"

"Decem^r. 27th, 1763, P. M.

"Honoured Sir:

"Since writing the above, the poor Indians whom we imagined were placed in safety are destroyed. A number of Persons to the amount (by their appearance), of fifty or Sixty, armed with Rifles, Tomahawks, &ca., suddenly, about Two o'Clock, rushed into the Town & immediately repaired to the Work House where the Indians were confined, & notwithstanding all opposition of myself and the Coroner, with many others, broke open the Work House, and have killed all the Indians there, being the fourteen mentioned in the List to have survived the former Affair at their Town. After which they in a Body left the Town without offering any insults to the Inhabitants, and without putting it in the power of any one to take or molest any of them without Danger of Life to the Person attempting it; of which both myself and the Coroner by our opposition were in great danger.

"I have since the above affair taken from Mess^rs. Miller & Beatty the above mentioned Papers and Belts of Wampum, which I shall keep till I have orders from your Honour, & any thing further that I can find belonging to the Indians, shall be properly taken care of.

"As it is rumored that the people with a Superior Force intend an Attack on the Province Island, with a view to destroy the Indians there, I think proper to mention it to your Honour, & shall do all in my power not only to apprehend the Offenders but to preserve the Peace of the County.

"I beg your Honours directions, which I shall endeavour punctually to observe, being

"Your Honours Most Obed^t. Humble Serv^t.

"JOHN HAY.

"To the Hon^ble. JOHN PENN, Esq^r. Governor of the Province of Pennsylvania, &ca."

List of the Indians killed at the Indian Town in Conestogoe Manor:

	Their Indian Names:
Sheehays	Sheehays,
George	Wa-a-shen,
Harry	Tee-Kau-ley,
A son of Sheehays,	Ess-canesh,
Sally, an Old Woman,	Tea-wonsha-i-ong,
A Woman,	Kaunenquas.

List of the Indians belonging to the Conestogoe Town in the Work House at Lancaster:

Captain John	Kyunqueagoah,
Betty, his Wife	Kowcenasee,
Bill Sack	Tenseedaagua,

Molly, his Wife	Kanianguas,
John Smith	Saquies-hat-tah,
Peggy, his Wife	Chee-na-wan,
little John, Capt. John's Son	Quaachow,
Jacob, a Boy	Shae-e-kah,
Young Sheehays, a Boy	Ex-undas,
Chrisly, a Boy	Tong-quas,
little Peter, a Boy,	Hy-ye-naes,
Molly, a little Girl	Ko-qoa-e-un-quas,
a little Girl	Karen-do-uah,
Peggy, a little Girl	Canu-kie-sung.

The names taken from Peggy, Wife of Jn°. Smith, and Betty, wife of Captain John. } pme. John Hay.

Lancas$^{R.}$, 27th Decem$^{r.}$ 1763.

The Council further advised the Governor to write to General Gage & Sir William Johnson, and inform them of these riotous proceedings, and of the measures taken by the Government to suppress them; to desire the General would give directions to the Commanding Officer of the King's Troops, quartered at Carlisle, to support and assist the Government in the Execution of the Civil Authority, in putting a stop to any Insurrections of the like kind for the future; & to recommend it to Sir William Johnson to acquaint the several Tribes of the Six Nations with the murder of the Conestogo Indians by a party of lawless rioters, & with the measures taken by issuing Proclamations offering rewards for apprehending the perpetrators of those Barbarities, & to set the whole affair to the Indians in its true & proper light, that they may not impute to this Government any Breach of Faith with respect to those Indians.

Accordingly Letters were prepared by the Governor to General Gage & Sir William Johnson, which follow in these Words, viz$^{t.}$:

A Letter to His Excellency General Gage from the Governor.

"Philadelphia, 31st December, 1763.

"Sir:

"I think it necessary to inform you that on the 14th Instant, a number of the Inhabitants on the Western frontiers of this Province, without any authority, assembled in arms & proceeded in a a party of between fifty and sixty men to the Indian Town in the Conestogoe Manor, in Lancaster County, and there, without the least Cause, cruelly put to death Six of the Friendly Indians, who had peaceably and inoffensively resided there for many Years past, by permission from this Government, and after burning and destroying their Houses and Effects, precipitately retired. Upon receiving Information of this barbarous Outrage, I immediately dispatched Orders to the Magistrates of the back Counties to use their utmost Endeavors to apprehend and confine the Offenders, that they might be brought to Justice, & likewise issued the inclosed Proclamation.

"Notwithstanding which, these daring rioters on the 27th Instᵗᵒ again assembled in Arms, & came down in a large Body to the Town of Lancaster, broke open the Work House, and murdered fourteen of the Conestogo Indians, who had before escaped their Fury, and were confined there by the Magistrates for their security.

"I have been since informed they have threatned to proceed to the Province Island, a few miles below this City, to destroy a number of other friendly Indians, amounting to about 140, seated there by the Government for their protection. I have taken the best measures I could for their preservation, but as these lawless rioters, flush'd & embolden'd by their Success, and encouraged by their numbers, may possibly carry their insults upon the Government & its Laws still further, & raise such Tumults and Insurrections as it may not be in my power to suppress without the aid of a Military Force; and as there is too much reason to expect that our Provincial Troops, if they could be spared, could not be brought to act vigorously against their Friends, Neighbours, and relations, I am under the necessity of making application to your Excellᶜʸ for the assistance of the King's regular Troops in this Province, to support the Civil Authority in the Execution of the Laws in case of need, and to give a check to these daring attacks upon Government. As I understand that three Companies are quartered in Carlisle for the Winter, I beg you will be pleased to give directions to the Commanding Officer there, to afford me his best assistance in case the present Emergency I apprehend should lay me under the necessity of calling those Troops to the aid of the Province, and that he may be directed by your Excellency to obey such Orders as I may think proper to give him, for the preserving peace and good Order, & Supporting and Executing the Laws.

"I take the Liberty to inclose you a Letter to Sir William Johnson, to whom I have communicated the above mentioned unhappy affair, and desired him to represent it to the Six Nations in its true light, that they may not impute any Breach of Faith to this Government, & beg the favour of you to forward it by the first convenient Opportunity.

"I am, with great regard, Sir,

"Your Excellency's Most Obedient humble Servant,

"JOHN PENN.

"To His Excellᶜʸ. Genˡ. GAGE."

A Letter from the Governor to Sir William Johnson.

"PHILADᴬ., 31st December, 1763.

"Sir:

"I think it necessary to inform you, that on the 14th Inst. a number of the Inhabitants on the Western frontiers of this Pro-

vinee, without any Authority, assembled in Arms, and proceeded in a Party of between fifty & Sixty Men, to the Indian Town in the Conestogo manor, in Lancaster County, & there, without the least Cause, cruelly put to death Six of the friendly Indians, who had peaceably and inoffensively resided there for many years past, by Permission from this Government, & after burning and destroying their Houses and Effects, precipitately retired. Upon receiving Information of this barbarous outrage, I immediately dispatched Orders to the Magistrates of the back Counties, to use their utmost Endeavours to apprehend and confine the Offenders, that they might be brought to Justice, & likewise issued the inclosed Proclamation.

"Notwithstanding which, these daring Rioters, on the 27th Instant, again assembled in Arms, & came down in a large body to the Town of Lancaster, broke open the Work House, & murdered fourteen of the Conestogo Indians, who had before escaped their Fury, and were confined there by the Magistrates for their Security.

"As this affair may be misrepresented to the Six Nation Indians, & give them an unfavourable Idea of the Faith of this Government, and may moreover be attended with other bad Consequences, I must beg you will take the properest method of acquainting them with the Truth of this Transaction, & of removing any disadvantageous Impressions they may have received from an imperfect account of the matter. Every good Man must look upon the Conduct of the Perpetrators of these unparelleled Villanies with Abhorrence & Detestation, who, at the same time that they have imbrued their hands in innocent Blood, have set themselves above, & violated those very Laws under which they themselves derive the Rights of Security & Protection. I am preparing a Proclamation, offering a high reward for the discovering and apprehending the Ringleaders of this Party, and you may be assured that nothing in my power shall be wanting to bring them to the Punishment justly due to their Crimes.

"I am, Sir, your most Obed^{t} hble. Servant,
"JOHN PENN.

"To Sir William Johnson."

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Monday the 2d January, 1764.

This day the Governor issued a Proclamation, as agreed on in Council the 29 of last Month, which follows in these words, viz^{t}:

"*By the Honourable JOHN PENN, Esquire, Lieutenant Governor & Commander-in-Chief of the Province of Pennsylvania, & Counties of Newcastle, Kent, & Sussex, on Delaware.*

"A PROCLAMATION:

"WHEREAS, on the twenty-second day of December last, I issued a Proclamation for the apprehending and bringing to Justice a number of Persons who, in violation of the Public Faith, & in Defiance of all Law, had inhumanly killed Six of the Indians who had lived on Conestogoe Manor for the Course of many Years, peaceably and inoffensively, under the Protection of this Government, on Lands assigned to them for their Habitation. Notwithstanding which, I have received Information that on the Twenty-seventh of the same Month, a large party of armed Men again assembled and met together in a riotous & tumultous manner, in the County of Lancaster & proceeded to the Town of Lancaster, where they violently broke open the Work House, and butchered and put to death fourteen of the said Conestogoe Indians, Men, Women, and Children, who had been taken under the immediate Care and Protection of the Magistrates of the said County, and lodged for their better Security in the said Workhouse, till they should be more effectually provided for by Order of the Government: *And Whereas*, common Justice loudly demands, and the Laws of the Land, (upon the preservation of which not only the Liberty and Security of every Individual, but the being of the Government itself depend), require that the above Offenders should be brought to condign Punishment; I have, therefore, by and with the advice of the Council, published this Proclamation, & do hereby strictly charge & command all Judges, Justices, Sheriffs, Constables, Officers Civil and Military, and all other his Majesty's faithful and liege Subjects within this Province, to make diligent Search and enquiry after the Authors and Perpetrators of the said last mentioned Offence, their Abettors and Accomplices; and that they use all possible means to apprehend and secure them in some of the public Gaols of this Province, to be dealt with according to Law. And I do hereby further promise and engage, that any Person or Persons who shall apprehend & secure, or cause to be apprehended and secured, any three of the Ringleaders of the said party, and prosecute them to conviction, shall have and receive for each the publick reward of Two Hundred Pounds; and any Accomplice, not concerned in the immediate shedding the Blood of the said Indians, who shall make discovery of any or either of the said Ringleaders & apprehend and prosecute them to conviction, shall, over and above the said Reward, have all the weight and influence

of the Government for obtaining his Majesty's Pardon for his Offence.

"*Given* under my hand and the Great Seal of the said Province, at Philadelphia, the second day of January, in the fourth Year of His Majesty's Reign, & in the Year of our Lord, one thousand seven hundred & Sixty-four.

"JOHN PENN.

"By His Honour's Command.

"JOSEPH SHIPPEN, Junr, Secretary.

"GOD SAVE THE KING."

At a Council held at Philadelphia, the 3rd January, 1764.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Benjamin Shoemaker, Richard Peters, } Esqrs.
William Logan, Lynford Lardner, }

The Governor laid before the Board a Letter which he received last Night by Express from Edward Shippen at Lancaster, inclosing a Copy of an Anonymous Letter, dated the 31 December, informing that many of the Inhabitants of the Townships of Lebanon, Paxton, and Hanover, in Lancaster County, were forming themselves into a Company of 200 Men, to March to Philadelphia, with a design to kill the Indians on the Province Island, & that many of the Farmers near the Mountain had contributed largely to defray the Expences of such of them as were not able to procure Horses, and pay their charges, &ca.

"While this matter was under the Consideration of the Board, & a Message was preparing to lay before the Assembly on this occasion, The Governor received a Verbal Message from the House, by two Members, letting him know that they had under their Consideration Ways and Means for raising Money for the Troops voted by them, and desired the Governor would lay before them an Estimate of the Expences attending that service; & further, they acquainted the Governor that they had been informed that some fresh barbarous murders had been committed on the Indians at Lancaster, and had seen his proclamation for apprehending the Offenders, and were desirous to strengthen his hands on this occasion.

Then was prepared the following Message to the Assembly, which, being read and approved, was ordered to be carried by the Secretary to the House, with the Letter therein referred to:

A Message from the Governor to the Assembly.

"Gentlemen:

"I was preparing a message to inform you of the cruel Massacre of the Indians, in the Work House of the Borough of Lan-

caster, on the twenty-seventh of last Month, by a wicked and lawless set of Rioters, when I received a Message by two of your Members, that you were already made fully acquainted with the particulars of that horrid Scene of Barbarity, and insolent and daring violation of the Laws. The Letters which I have ordered herewith to be laid before you, prove that the party who perpetrated this outrage do not intend to stop here, but are making great addition to their numbers, and are actually preparing to come down in a large Body and cut off the Indians seated by the Government on the Province Island; and it is difficult to determine how far they may carry their designs, or where the mischief may end.

"You must be sensible, Gentlemen, that the civil power alone is incapable of frustrating the attempts of those abandoned and desperate Persons, and that no means can be effectual, but the opposing force by force. It is, moreover, particularly unfortunate at this time, that we have no Funds out of which the expence of levying men to strengthen the hands of Government, and protect the Indians, might be defrayed.

"As a moment's time is not to be lost, I must beg your serious and immediate attention to this important affair, and hope that, by a Bill in all respects adequate to the present Exigency, you will furnish me with full powers to repel those bold Invaders of Law and Justice, & support the Honour & Dignity of the Government.

"JOHN PENN.

"January 3rd, 1764."

At a Council held at Philadelphia, Wednesday 4th Jan^y^ 1764.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

William Logan, Richard Peters, } Esquires.
Lynford Lardner, }

A Message from the Assembly, in answer to the Governor's Message of yesterday, was read in these words:

A Message to the Governor from the Assembly.

"May it please your Honour:

"The House have given their "most serious and immediate Attention to the important Affairs" laid before them in Your Honour's Message of this afternoon, and considering that the military Force of this Province is at present engaged in the defence of our long extended Frontier, by your Honour's orders, have unanimously entered into a vote of Credit that they will make Provision for de-

fraying the Expence of such additional Force as the Governor & present Provincial Commissioners shall find necessary to Frustrate the further wicked Designs of those lawless Rioters who have perpetrated the most inhuman murders on the poor defenceless Indians, ancient Friends of this Province, and living under the Protection of its Government; And they, with pleasure, acquaint your Honour that they are just now informed a considerable sum has lately been paid into the hands of the Treasurer, which may be immediately applied to the purpose of "repelling those bold invaders of Law and Justice, & supporting the Honour and Dignity of the Government," and which will probably be sufficient, 'till such a Bill as your Honour recommends, can be prepared and considered.

"Signed by Order of the House,

"ISAAC NORRIS, *Speaker.*

"January 3rd, 1764."

The Council considered what was further to be done for the Security of the Indians on the Province Island, and after weighing every thing that was proposed, the Council were of Opinion, that as the Indians themselves requested they might be put under a proper Convoy, and sent to Sir William Johnson, this was the best measure that could, at present, be taken, and the Commissioners agreeing to defray the Expence that would arise on this Service, it was concluded that no time should be lost in getting things ready for their departure early to-morrow morning.

It was particularly fortunate that there was in Town a Detachment of Highlanders, under the command of Capt^n. Robinson, on their March to New York, who, at the instance of the Governor, readily agreed to escort them as far as that City.

It was further thought advisable that proper Letters should be sent to Sir William Johnson, Gen^l. Gage, Governor Colden, and Gov^r. Franklin. Mr. Logan offered his Service to go to Burlington & Trentown, to procure Passports for the Indians, & to do every thing that might be necessary for their safe conduct thro' the Province of New Jersey.

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Thursday, the 5th January, 1764.

This day the Governor wrote the following Letters to Gen^l. Gage, Sir William Johnson, Governor Colden, and Governor Franklin:

A Letter to General Gage from the Governor.

"PHILADELPHIA, 5th Jan^y. 1764.

"Sir:

"Since my Letter of the 31st of last month, we have been every day alarmed with accounts that those wicked People who commit-

ted the outrages mentioned in that Letter, were directing their march towards this City, in order to kill about 140 Indians that I placed for their Security in an Island at the Mouth of Schuylkill. We could easily defend these Indians, but as they have earnestly entreated to be no longer detained from their Families, and to be sent to Sir William Johnson, I have consented to it, that their minds may be quieted, & Sir William have an opportunity of representing this matter to the Nations in the most favourable manner.

"I have put them under the Escort of Capt. Robinson, who is now on his march from hence to New York with a Detachment of Highlanders, and very kindly offered me his Service on this pressing Occasion.

"I am, Sir,

"Your most Obedient, humble servant,

"JOHN PENN.

"To His Excellency Gen^{l} GAGE."

—

A Letter from the Governor to Sir William Johnson.

"PHILADELPHIA,, 5th January, 1764.

"Sir:

"Since my writing to you on the 31 last month, I have had intelligence that the riotous Parties, which I then informed you had murdered all the Conestogo Indians, are again assembling themselves in much greater numbers on the Frontiers, and have given out that they will come & destroy about 140 other friendly Indians, who have, for the most part, lived several Years at Bethlehem and Nazareth, & have been lately removed into the neighbourhood of this City for their better Security. But tho' I could easily have afforded them a sufficient Protection, yet I chosen to gratify them in their desire to be sent to you; and have this day embraced the favourable opportunity of sending them off under the Convoy of Capt^{n} Robinson's party of Highlanders, now on their march to New York. I have wrote to General Gage & Governor Colden, to desire they will be pleased to give directions that they may proceed from thence without molestation, through that Government, till they shall arrive at your House.

"I had two reasons for gratifying these Indians in their request; the one, that they might be rendered easy in their minds, & the Wighalousin Indians get home to their Families, who will imagine them put to death, as they will hear what has been done at Lancaster; the other, that by them you may have an Opportunity of representing this violent Outrage as done in defiance of Government, & that I have issued Proclamations; my second, being inclosed, to apprehend and bring to Justice all that are concerned in

those barbarous murders. I have earnestly pressed the Assembly to form a Bill that shall put it in the power of the Government, for the future, to prevent & punish such Enormities as these; and I hope they will think it now high time to establish a proper military Law.

"I am, Sir,

"Your most Obedient, humble Servant,

"JOHN PENN.

"To S^r. WILLIAM JOHNSON, Bar^t."

A Letter from the Governor to the Govr. of New York.

"PHILADELPHIA, 5th January, 1764.

"Sir:

"Our back Inhabitants who have indeed suffered a great deal by the Indian War, have got it into their heads that one Indian should not be suffered to live among us, and have carried their Resentment so far as to go and kill some Indians who lived under the Faith & Protection of the Government for Sixty Years in an Indian Town, near Lancaster. Not content with this barbarous outrage, they, in the open day time, march'd into that Town, and there murdered fourteen more Indians who were put in there by the Magistrates for their Security, & after perpetrating these horrid Violences, these lawless people have even threatned to come and kill a number of Indians that I gave leave to sit down in an Island on Schuylkill, in the Neighbourhood of this City.

"This might have been easily prevented, as there are Arms and Men enough, who would not have suffered such a monstrous invasion of all Law and Order; but these Indians, who are of a mild disposition, desired they might be permitted to go to Sir William Johnson's, from whence they could be easily sent to the heads of the Susquehanna, where they have a good acquaintance.

"On considering their request, it appeared to the Council that this would not only tend to the quieting the minds of the Indians, which were much disturbed at their Situation & long absence from their families, who live on Susquehanna, but also be a means of having this matter communicated to the Six Nations & to the several Tribes of friendly Indians in the most favourable manner.

"Satisfied of the advantages arising from this measure, I have sent them thro' Jersey and your Government to Sir William Johnson, & desire you will favour them with your protection & countenance, & give them the proper Passes for their Journey to Sir William's Seat.

"I have recommended it in the most pressing Terms to the Assembly to form a Bill that shall enable me to apprehend these Sedi-

tious & barbarous Murderers, and to quell the like Insurrections for the future.

"I am, Sir,

"Your most Obedient Humble Servant,

"JOHN PENN.

"To Governor COLDEN, at New York."

A Letter from the Governor to Governor Franklin.

"PHILADELPHIA, 4th Jan^{ry} 1764.

"Sir:

"A number of Friendly Indians, who have been lately taken under the protection of this Government, & seated for their Security on the Province Island, being under great apprehensions of being destroyed by a set of lawless Rioters on the Frontiers of this Province, who have already put to death all the Conestogo Indians, have requested me to send them up to Sir William Johnson.

"As I am willing to comply with their request, I have taken the opportunity of putting them under the guard of Capt^{n} Robinson's Detachment of Highlanders, who are now on their March to New York.

"I beg you will give the necessary orders, that they may pass with safety thro' your Government, and furnish them with such passports as you may think proper.

"I am, Sir, Your most Obedient humble Servant,

"JOHN PENN.

"His Excell^{cy} Governor FRANKLIN."

Monday, 9th January, 1764.

The Governor having last Saturday received a Letter from the Right Honourable the Earl of Halifax, one of His Majestie's Principal Secretaries of State, laid the same before the Assembly, accompanied with a Message, in these words, viz^{t}:

A Message from the Governor to the Assembly.

"Gentlemen:

"On Saturday last I was favoured with a Letter from the Right Honourable the Earl of Halifax, one of His Majesty's principal Secretaries of State, dated the 19th October last, which, as it is expressive of the Judgment the King has formed of the late Conduct of the Legislature of this Province, founded on advices and dispatches from Sir Jeffery Amherst, and points out what part his Ma-

jesty expects the General Assembly of this Province will act in raising & paying Troops, to be employed not only in defending our Frontiers, but offensively, against the Savages, in such manner and at such places as the Commander-in-Chief shall judge necessary to direct. I thought it my duty to communicate it to you without delay, and I have accordingly ordered the Secretary to lay it before you.

"JOHN PENN.

"January 9, 1764."

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A Letter from the Right Honourable the Earl of Halifax to the Governor.

"St. James's, October 19, 1763.

"Sir:

"The King having observed, upon perusal of the dispatches lately received from Sir Jeffery Amherst, that notwithstanding the Insurrections of the Indian Nations have so long been increasing, and now bear the appearance of becoming general, the Legislature of Pennsylvania have nevertheless inflexibly persisted in refusing or neglecting to pay any Regard to the pressing instances with which Sir Jeffery has repeatedly urged them to contribute to the general Defence of the Country, and Annoyance of the said Indians, by raising and employing a competent number of Troops. His Majesty has commanded me to express to you his Surprize and Displeasure at a Conduct so inconsistent with the Security of the Lives and Properties of his Subjects in Pennsylvania in particular, as well as to the duty they owe to the public Safety in general; And I am further to signify to you His Majesty's pleasure, that you do recommend it to the General Assembly of the Province under your Government, in His Majesty's name, to make provision, without further delay, for raising & paying such a reasonable number of Men as the actual state of the War may require, to be employed, not only in protecting and defending the Frontiers of Pennsylvania, but in acting offensively against the Savages, in such manner, and at such places, as Sir Jeffery Amherst shall judge necessary to direct. This is the Conduct which His Majesty, in such a time of general Danger, has a Right to expect from His Colonies. This is the Conduct of which Virginia set the laudable Example, by calling out & marching a Thousand of her Militia upon the first requisition of the said Commander-in-Chief; And such a mark of Zeal and Duty his Majesty does require & expect from the Province of Pennsylvania, and from other His Colonies in North America.

"I am, with great Truth & Regard, Sir,

"Your most Obedient humble Servant,

"DUNK HALIFAX."

January 11th, 1764.

The Governor received sundry Letters from the Governors of Massachusetts Bay, Rhode Island, & New York, desiring the several Quotas of Money, relating to the money that was received by the Province of Pennsylvania, more than their share of the Parliamentary Grants, the same were laid before the House, with the following Message.

A Message from the Governor to the Assembly.

"Gentlemen:

"My Predecessor, Mr. Hamilton, by a Message, dated the 20th of September last, informed the then Assembly that the Agents for this Province in London, had received out of the Parliamentary Grant in the Year 1761, the sum of Ten thousand nine hundred & forty-seven Pounds Sterling more than the distributive share justly due to us from our Quota of Men raised for the King's Service in the Year 1760, which sum was agreed by the said Agents, to be due to several of our Neighbouring Colonies, who had received less than their true proportion out of the said Grant for that Year. I now lay before you a Copy of the minutes and Agreement of all the Agents impowered to receive the money granted by Parliament to the Colonies of North America, for the Services performed by them in the Year 1760, which set this matter in a clear Light, and shew to what particular Colonies, and in what Proportions the above mentioned sum is to be repaid by this Province. I also have ordered to be laid before you several Letters which have been received from the Governments of the Massachusetts Bay, Rhode Island, and New York, demanding the payment of their respective Quotas, and earnestly recommend it to you to make Provision, during the Course of the present Session, for the discharge of this Debt, & thereby comply with the Engagements which you will perceive our Agents have entered into for that purpose.

"JOHN PENN.

"January 11th, 1764."

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Eodem die, P. M.

Two Members of Assembly waited on the Governor with a verbal Message that the House desired to know whether he had any Instructions from the Proprietaries relating to raising Supplies and emitting Bills of Credit, and requested a Copy of them; To which the Governor answered, that he had Instructions on this head, which he would furnish them with to-morrow. They also delivered to the Governor a Message from the Assembly, which follows in these words, viz^{t}:

A Message to the Governor from the Assembly.

"May it please your Honour:

"In answer to your Honour's Message of this Morn^{g} concerning the Debt of this Province to some of the other Colonies, we beg leave to acquaint you, that having found on the Minutes of the last Assembly the same matter earnestly recommended by the then House, to the consideration of the present Assembly, we had some days since, ordered a Bill to be brought in for discharging that debt, which Bill has accordingly been brought in and read, and is now under the Consideration of the House, we being truly desirous that the Engagements entered into by our Agents, should be honourably discharged as soon as possible.

"Signed by Order of the House.

"ISAAC NORRIS, *Speaker.*

"January 11th, 1764."

At a Council held at Philadelphia, on Thursday, the 12th Jan^{y} 1764.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

James Hamilton, Richard Peters, } Esquires.
Lynford Lardner, Benjamin Chew, }

Richard Penn, Esquire, took and subscribed the usual Oaths and Declarations to the Government, and then took his Seat as a Member of Council.

The following Message to the Assembly was then prepared & approved, & the Secretary was ordered to carry the same to the House this forenoon, with a Copy of the 11th and 12th instructions from the Proprietaries, relating to a Paper Currency.

A Message from the Governor to the Assembly.

"Gentlemen:

"I received a verbal Message from you Yesterday, desiring to be informed whether I had any Instructions from the Proprietaries respecting raising Supplies & emitting Bills of Credit in this Province, & of what Nature such Instructions were.

"Though this is not a matter of right, yet to demonstrate to you, Gentlemen, my willingness to oblige you and to do every thing in my power to avoid unnecessary disputes, I now send you a Copy of my Instructions on this head.

"JOHN PENN.

"January 12th, 1764."

A Copy of the Eleventh & Twelfth Instructions from the Proprietaries to the Governor.

"XI. WHEREAS, all money raised for publick services should be disposed and applied by the Law which raises the same, & such was the ancient practice in the said Province; You shall, therefore, not give your assent to any Bill or Act of Assembly for the Emitting or Re-Emitting, or continuing any paper Currency, or Bills of Credit in the said Province, unless in such Bill or Act of Assembly, it shall be enacted that the whole of the Interest money to accrue, arise and become payable from the Loan of all such Paper Currency, shall be clearly and with certainty disposed of, and no part thereof left to be disposed of at the Discretion of the Assembly only; Nor shall you give your Assent to any Law for prolonging the present Excise, or laying any other Excise, or raising any money on the Inhabitants of the said Province of Pennsylvania, unless in all such Acts it be enacted that all money thereby raised, shall clearly & with Certainty be disposed of, and no part thereof left to be disposed of at the Discretion of the Assembly only.

"XII. *Whereas*, in the Twelfth Year of his late Majesty's Reign, the whole sum in Paper Bills, or Bills of Credit of the said Province, amounted only to the sum of Four score thousand Pounds Proclamation Money, or thereabouts; but the same is now swell'd and increased to a great & enormous sum; and although a reasonable quantity of Paper money or Bills of Credit in American Provinces, tends greatly to the benefit of those Provinces and the Inhabitants thereof, as well as of the Trade of Great Britain, yet too large a quantity hath heretofore in other Colonies, and may in Pennsylvania become greatly detrimental to the Trade and Credit of the same and prejudicial to the Persons having dealings there; We, therefore, recommend it to you to use your utmost endeavours to keep the quantity of Paper Money or Bills of Credit current from time to time, in the said Province, as low as possible; and in case you shall judge it expedient and necessary to consent to any new Bill, either for creating, emitting, continuing, or remitting any Quantity of Paper Money or Bills of Credit, you are to conform yourself to the Agreement made between us and the Agents of the Assembly of Pennsylvania, which was ratified by his late Majesty in Council, & entered in the Council Books in the Year, 1760; and you are effectually to take care that such Paper Money, or Bills of Credit, shall not be capable of being made a Tender, or any satisfaction, or discharge for any Quitrents, or other sterling Payments, due or to become due to us, but that all such Rents & Payments, shall be paid either in Sterling Money, or according to the Course of Exchange between the said Province of Pennsylvania and Great Britain at the times of Payment, or according to the Tenor of the respective Grants & Reservations of such Rents; or

else that some such equivalent be enacted for our indemnity, against any loss by such paper money as was heretofore enacted by Act of Assembly of the said Province of the Twelfth Year of the Reign of his late Majesty, always provided, that on every such Bill strict regard be had on our foregoing Instruction, N°. 11."

The Governor laid before the Board a Letter from His Excellency General Gage, dated the 6th Instant, in answer to His Honour's Letter of the 31st Ult°., inclosing an Order to the Commanding Officer of the King's troops at Carlisle to aid this Government in Support of the Civil Authority, both which were read & ordered to be entered on these Minutes.

A Letter to the Governor from General Gage.

New York, Jan^{y}. 6th, 1764.

"Sir:

"Your favour of the 31st Dec^{r}. came to my hands Yesterday, together with your Proclamation & Letter to S^{r}. W^{m}. Johnson, which last shall be forwarded by first Opportunity.

"I expect three compleat Companies of the 1st Battalion of the Royal American, now on their March from Albany, will arrive here in three or four days, and I shall give them orders to proceed to Philadelphia, there to wait your further Orders. This is the most expeditious support I can send to you, but in case you should not judge this Force sufficient to aid and protect the civil Authority, I herewith transmit you an order addressed to the Officer commanding at Carlisle, which you will make use of or not, as you shall see convenient. I am with great Regard Sir,

"Your most Obedient, hum^{le}. Serv^{t}.,
"THO^{s}. GAGE.

"To Hon. Lieut^{t}. Gov^{r}. Penn."

Gen'l. Gage's Order to the Command'g Officer at Carlisle.

By His Excellency the Honourable THOMAS GAGE, Major General & Commander-in-Chief of all His Majesty's Forces in North America, &ca., &ca., &ca.

To the Officer Commanding His Majesty's Forces at Carlisle.

"The Honourable L^{t} Governor Penn having made Application to me for the Assistance of the King's Troops in the Province of Pennsylvania to support the Civil Authority in the execution of the Laws, You are hereby directed and required to pay due obe-

dience to all such Orders as Governor Penn shall judge necessary to transmit to you, to effect the above mentioned purpose.

"*Given* under my hand at Head Quarters in New York this 6th day of January, 1764.

"THO^{s}. GAGE.

"By His Excellency's Command.
"G. MATURIN."

At a Council held at Philad^{a}., on Monday, the 16th January 1764.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Benjamin Shoemaker, Benjamin Chew, } Esq^{rs}.
Richard Peters, Lynford Lardner, }

The Governor laid before the Board a Bill which the Assembly had sent him for his Concurrence, entituled "An Act for the payment of £10,947 Sterling, in certain proportions, to several Colonies in America," & the same being read, was referred to a further Consideration.

The Governor laid before the Board a Letter of the 10th Instant he received on Friday last, from his Excellency General Gage, acquainting him that the Lieutenant Governor of New York, by the advice of his Council, had determined not to receive the Indians now on their March thither, within his Government, nor suffer them to pass through that Province, & had issued Orders accordingly; As, also, a Letter of the same date, received yesterday, from Gov^{r}. Colden, with a Copy of the Minutes of the Council Board of New York, upon the same subject, all which were read in their Order, and are as follow:

A Letter from General Gage to the Governor.

"New York, Jan^{y}. 10th, 1765.

"Sir:

"Lieu^{t}. Gov^{r}. Colden will, no doubt, inform you of the advice of the Council assembled to consider your Letter of the 5 Inst., respecting the Indians you have lately sent from Philadelphia, under the escort of Capt^{n}. Roberson, of Montgomery's Regiment, which is not to receive the Indians within this Government, or suffer them to pass through the Province, but to issue the proper Orders to the Justices and Magistrates of Richmond County to stop & cause them to return; And Lieut. Governor Colden acquaints me by Letter, that he was preparing Orders to prevent their being admitted into this Province. As you thought it advisable to put them under the care of

the Military, they shall not be abandoned by the escort, 'till returned to you in safety; I have, therefore, sent Orders to Capt. Robertson to return with them to Philadelphia, in case the Orders reach him within a day or two Day's march of that City; But if he receives the Orders at Brunswick, or on this side Brunswick, to halt 'till I send some Companys of the Royal American Regiment, whom I expect here this day, to relieve him; And those Companys will escort the Indians back to Philadelphia, and receive any Orders you shall judge proper to give them. In the mean time, Capt. Robertson is directed to protect them from any Violence which may be offered them, and to apply to the Magistrates where he shall be to supply them with Provisions, which, if demanded, I suppose the Province of pennsyl[a]. will repay. I had the Honour to receive your Letter of the 5th Inst., on this Subject, yesterday at noon. I am, with great regard,

"Sir, Your most Obed[t]. humble Serv[t].

"THOS. GAGE.

"Hon[ble]. Gov[r]. PENN."

A Letter to the Governor from Governor Colden.

"FORT GEORGE, NEW YORK, Jan[y] 10th, 1764.

"Sir:

"Yesterday about one afternoon I received your Letter of the 5th Instant, and immediately called his Majesty's Council of this Province for their advice thereon; the result thereof you will see by the inclosed Minute of Council. I have accordingly sent Orders to the Magistrates of Richmond County not to suffer these Indians to enter this Province.

"The Indians on the East side of the Susquehanna are the most obnoxious to the People of this Province of any, having done the most mischief. They consist of a number of rogues and thieves, runaways from the other Nations, and for that reason not to be trusted. I could not be assured that these Indians can safely pass through this Province without an Escort, which would with great difficulty and expence be obtained at this Season of the Year. The minds of the people are so generally irritated against the Indians living on the North East Branches of Susquehanna, that a number of Volunteers were proposed to me to go out against them to punish them for their Cruelties & perfidy. If you shall think proper to send two of these Indians with some discreet person to conduct them to Sir William Johnson, they shall have my pass for that purpose.

"I think it a misfortune that our Correspondence should begin in this manner, for I am sincerely and heartily disposed to serve the people of Pennsylvania, & you, Sir, may be assured that I am with the greatest regard and respect, Sir,

"Your most Obed[t] & most hum[le] Serv[t].

"CADWALLADER COLDEN.

"Hon[le] Lieut[t] Gov[r] Penn."

At a Council held at Fort George, in the City of New York, on Monday the 9th day of January, 1764.

PRESENT:

The Honoble. CADWALLADER COLDEN, Esq^r, Lieutenant Governor, &ca.

Mr. Horsemanden, Mr. Walton,
Mr. Smith, Earl of Stirling,
Mr. Watts.

His Honour, the Lieutenant Governor, communicated to the Council a Letter of the 5th Instant, from the Honourable John Penn, Esq^r, Governor of Pennsylvania, representing that the back Inhabitants of that Province had carried their resentment against the Indians so far as to kill some who had lived under the Faith and Protection of that Government for Sixty Years, in an Indian Town near Lancaster. That not content with this barbarous Outrage, they in open day time march'd into that Town, and there murdered fourteen more Indians, who were put in there by the Magistrates for their Security, and after perpetrating these horrid Violences, had even threatned to come and kill a number of Indians that he gave leave to sit down in an Island on Schuylkill, in the neighborhood of Philadelphia. That this might have been easily prevented, as there are Men and Arms enough—but that these Indians are of a mild and peaceable disposition, desired they might be permitted to go to Sir William Johnson's, from whence they could easily be sent to the heads of the Susquehanna, where they have a good acquaintance. That on considering of this request, it appeared to the Council that this would not only tend to the quieting the Minds of the Indians, who were much disturbed at their Situation & long absence from their Families, who live on Susquehanna, but also be a means of having this matter communicated to the six Nations and to the several Tribes of Friendly Indians, in the most favourable manner; and, that satisfied of the advantages arising from this measure, he hath sent them thro' Jersey and this Government to Sir William Johnson, and desires his Honour will favour them with his Protection & countenance, and give them the proper passes for their Journey to S^r William's Seat.

"And his Honour having been pleased to require the Opinion and Advice of the Board thereupon, the Council expressed their surprize that the Government of Pennsilvania should, without previously consulting this Governmen^t, order so great a body of Indians, in number about one hundred & forty, to pass into this Province; a measure which the Council conceive, could not but excite the greatest uneasiness at this time among the Inhabitants, and which appears the more unadvisable as the permitting these Indians to return to their Families on the Susquehanna, would be adding greatly to the strength of a people, from whom His Ma-

jesty's Subjects have already suffered so much; that this Goverment are rather disposed to attack & punish, than to support and protect them, whom they still consider as their Enemy; That the Island on which these Indians were before seated, appears to the Council a place equally well adapted to their Security and Protection as any within this Province. And, therefore, the Council unanimously advised his Honour not to receive the said Indians within this Government, or to suffer them to pass thro' the Province, but to issue the proper Orders to the Justices and magistrates of Richmond County, to stop and cause them to return.

"A true Copy.

"G. BANYAR,
"D. W. CON."

The Council having taken the said Letters into Consideration, advised the Governor to lay them before the Assembly, and desire, by a Message, their Opinion & Advice as to the manner in which the Indians can be most effectually secured & protected for the future.

Accordingly, the following Message was immediately prepared, read, and approved, and the Secretary was ordered to carry it to the House this Afternoon, with the several Letters it refers to.

A Message from the Governor to the Assembly.

"Gentlemen:

"The Indians, who were lately seated by the Government on the Province Island, were, at their own earnest request, sent off in a body by me, under an Escort, on the 5th Instant, with an Intention of removing them thro' the Governments of New Jersey and New York to Sir William Johnson, to whose care and protection, as they were not in a State of Security here, I recommend'd them.

"I took the precaution of acquainting the respective Governors of those two Provinces with this measure, and requested that they would be pleased to permit them to proceed unmolested, and furnish them with passports. The Governor of New Jersey, with great politeness & kindness, complied with my request; but to my great surprise, I received a Letter Yesterday, from the Lieutenant Governor of New York, acquainting me that he, by the advice of his Council, had forbid their entrance into that Province. Being thus disappointed, I am under the Necessity of ordering those poor Creatures to return again to this Government, & am heartily disposed to do every thing in my power to afford them that protection & security which, under their Circumstances, they have an undoubted right to expect and claim from us, and shall be glad of your opinion and advice in what manner this can most effectually be done. I have ordered the Secretary to lay before you Governor Colden's Letter, a Copy of the Minutes of the Council Board of

New York on the occasion, & a Letter I received from General Gage, the latter of which will shew how much we are obliged to the General for the kind part he has taken in this matter.

"JOHN PENN.

"January 16th, 1764."

At a Council held at Philad^{a} on Monday, 23rd Jan^{y} 1764.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

James Hamilton,	Benjamin Chew,	Esquires.
William Logan,	Lynford Lardner,	
Richard Peters,	Thomas Cadwalader,	
Richard Penn,		

The Governor laid before the Board a Message he received last Week from the Assembly, which was read and follows in these words, viz^{t}:

A Message to the Governor from the Assembly.

"May it please your Honour:

"We have taken into our Consideration your Honour's Message of the Sixteenth Instant, with the Letters therein referr'd to, and are pleased to find the Governor so heartily disposed to afford the Indians he mentions 'that protection and security which, under their Circumstances, they have an undoubted Right to expect and claim from us.' We should be very glad, if it was in our power, 'to point out the manner in which this can most effectually be done,' but as our Opinion must be founded on the Information we have received, we can only mention such measures as appear to us at present to be most reasonable, submitting our sentiments to the Judgement your Honour may form from any Intelligence you have since received, or any Circumstances that may hereafter happen.

"We observe, with particular pleasure, 'the Kind part General Gage has taken in this matter,' in protect^{g} these Indians, and directing the Escort on their arrival in this City, to receive 'such Orders as you shall judge proper to give them.'

"As this humane and prudent step of the General is equally calculated to secure these unhappy people, and preserve the internal Peace of this Province, while our own Troops are engaged in the Defence of our Frontiers, we shall be obliged to your Honour, if you will please to return his Excellency our Thanks for this generous & seasonable act of Goodness.

"The Indians, we apprehend, will be sufficiently protected by the Companies that compose this Escort, while they remain here.

When these Companies march from hence, if there should appear to be the same danger of any outrage being committed against these Indians that there seems to be at present, we are of Opinion, that it will be advisable for your Honour to lodge them in some place where they can be most easily & conveniently guarded by an Armed Force, to be raised by your Honour for that purpose.

"It will be with the utmost regret, we shall see your Honour reduced to the necessity of pursuing these Measures, but with an Abhorrence altogether inexpressible, we should behold 'these poor Creatures,' who, desirous of living in friendship with us, as proofs of this Disposition, quitting a Settlement that made them suspected & surrendering their Arms, have delivered themselves, their Wives, and Children, into our power, on the faith of this Province, barbarously butchered by a sett of Ruffians, whose audacious cruelty is checked by no sentiment of Humanity, and by no regard to the Laws of their Country.

"Such a massacre, we have reason to expect, from the Persons who perpetrated such shocking Barbarities in Lancaster County, and their Abettors, unless they are deterred by a vigorous exertion of power, which never can be more properly employed than in vindicatting the Honour & Dignity of a Government enforcing an Obedience to the Laws, and repressing the dangerous insolence of tumultuous Insurgents, who, guided by a blind rage, undertake by open force to controul the conduct of the Administration & counteract the best concerted measures for the General Good.

"It will therefore be agreeable to us that your Honour would be pleased to order the Sheriff & Coroner of Lancaster County, and the Magistrates of that Borough, to come down and give you the best information that can be obtained of the Persons concerned in these violences, that they being discovered and apprehended, due punishment may be inflicted on such daring disturbers of the Public Peace.

"Signed by Order of the House.

"ISAAC NORRIS, Speaker.

"January 20th, 1764."

Which Message was taken into Consideration, but sundry difficulties occurring as to the advice & sentiments of the Assembly, the same not being practicable, the full consideration of this matter was referred to the next meet^{g} of Council.

The Governor then informed the Board that on Saturday Morning last he Received a Letter from Captain Schlosser of the Royal American Regiment, dated the 20th Instant, acquainting him that being charged by General Gage to take under his care the Indians which he should find at Amboy, he had proceeded with them as far as Trentown, where he should wait for the Governor's further Instructions concerning them. His Honour also informed the Board that he had wrote to Capt^{n} Schlosser to desire him to halt at Trentown till Monday, & then March with the Indians to this City. The

Governor thereupon desired the Council would give him their advice where they thought would be the most proper place of residence for the Indians, so that they might be lodged with the greatest Convenience & Security. They were of opinion the Barracks were the best calculated to answer that purpose, as the military Guard which Gen^{l} Gage has sent with the Indians, may be accommodated with good Quarters, and will be better able to secure & protect them from any Insults there than at any other place.

The Bill entituled "An act for the payment of £10,947 Sterlg. in certain Proportions, to several Colonies in America," was again read & considered, but the Council advised the Governor before he should come to any determination respecting it, to send a Verbal Message to the House by the Secretary, desiring "they would inform him whether any, and what part of the several Parliamentary Grants allotted to this Province, do yet remain undrawn for by the Trustees of the Loan Office, in the hands of the Agents appointed by Act of Assembly to receive the same from the Lords of the Treasury."

The Secretary accordingly deliver'd the s^{d} Message in the Evening.

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Tuesday, 24th January, 1764.

The Governor received a Verbal Message from the Assembly, by two members, that in answer to the Governor's Message of yesterday the House inform him, that it appears from the report of the Committee on accounts that the Sum of £1126 7 8 Sterling, part of the Parliamentary Grants, remains yet undrawn for by the Trustees of the General Office, but that it is the opinion of the House that the said Sum is appropriated to the King's use, by the Act entituled "An Act for granting to His Majesty the sum of Twenty-four thousand Pounds for the defence and protection of this Province, & for other Purposes therein mentioned."

At a Council held at Philad^{a}, on Saturday, the 28th Jan^{r} 1764.

PRESENT.

The Honourable JOHN PENN, Esquire, Lieutenant Governor.

James Hamilton, William Logan,
Benjamin Shoemaker, Lynford Lardner, } Esq^{rs}
Benjamin Chew,

The Governor, being informed that Benjamin Kendal, a Merch^{t} of this City came to Town this Morning, from Lancaster, and had learned some Intelligence there, concerning further Motions and

ill designs of the Rioters in that County, sent him a Message, that he desired to speak with him immediately. Mr. Benjamin Kendal soon after appearing at the Board, was examined, & Related everything material that he had heard about the Rioters, which is contained in the following Affidavit taken before the Governor, in Council, viz^{t}:

"*City of Philadelphia ss:*

"Benjamin Kendall, of the City of Philadelphia, Merchant, being one of the People called Quakers, on his Solemn Affirmation declareth and saith, That on Thursday, the 26th day of this Instant, January, he, this deponent, being on his return from the Burrough of Lancaster to the City of Philadelphia, about two Miles on this side the sign of the Hat, (a Tavern kept by one Samuel Smith), he mèt with Robert Fulton, an Inhabitant of the said Burrough of Lancaster, who, this affirmant understood, had been, the day before, in the Township of Pequea, or its Neighborhood; That this affirmant, being acquainted with the said Robert Fulton, stopped, and entered into some Conversation with him, in the course of which the said Fulton acquainted this Affirmant that he understood Capt^{n} Coultas had been appointed to raise and command Five hundred Men, to guard & protect the Indians in the City of Philadelphia, and that he was very sorry for it, and that in ten days fifteen hundred Men would come down in order to kill the said Indians, and that if Fifteen hundred were not enough, Five thousand were ready to join them, and desired this affirmant to tell the said Captain Coultas, from the said Robert, to make his Peace with Heaven, for that he (the said Coultas) would not live above two Weeks longer. This affirmant answered, that he was very sorry to hear him, the said Fulton, talk in that manner, and as he understood that he, the said Fulton, had a good deal of influence with those People, who intended to come down on the above Purpose, he, this affirmant, requested the said Fulton to exert it in persuading them to desist from their Design. The said Fulton then said, If Gabriel was to come down from Heaven and tell *us or them* (but which of the words this affirmant cannot be sensible of) *we or they* were wrong, they would not desist for it, for that they were of the same Spirit with the blood-ran, blood-thirsty Presbyterians, who cut off King Charles his Head. This Affirmant then said to the said Fulton, 'I hear you intend to kill the Quakers.' Fulton answered, 'No, God forbid, but they or any others who should oppose them they would kill.' That he (the said Fulton) had heard the Indians were put in small numbers into different Families in the City of Philadelphia, for Protection, but that such Families must tell where they (the Indians) were, and deliver them up, or their Houses would be fired over their heads. The said Fulton further informed this Affirmant, that some time ago, when he heard that the said Indians were sent out of this Province, he, the said Fulton, sent a Letter to a number of People, who were

then preparing to come down and cut the Indians off, to acquaint them of it, and stop them from coming. This Affirmant further saith, that a certain William Way was in Company with the said Fulton during this whole Conversation, &, from what little he said, seemed to join in Sentiment with the said Fulton, & among other things asserted, that he was lately in a Store in that Neighbourhood, where there was a Magazine of three half barrels of Gun Powder, and one hundred small Arms, ready for the above Expedition, & that he verily believed a number of Men would come down to Philadelphia to kill the Indians, and further this Affirmant saith not.

"BENJ^A. KENDALL.

"Taken and Affirmed in the presence of the Governor and Council, at Philad^a, January 28, 1764.

"Before

"JOHN PENN."

The Council thereupon advised the Governor to give Capt^n. Schlosser his written Instructions respecting the defence of the Indians under his Charge and Protection at the Barracks, ordering him to fire upon any body of armed Men who should make their appearance in an hostile manner, and violently attempt to force their way into the Barracks, with a design to kill the Indians there, after his positive orders to them to stand off & desist from their wicked undertaking.

The Board are also of Opinion that it would be advisable for the Governor to order the three Companies of Highlanders at Carlisle to march without delay to Lancaster, and wait there in readiness to execute such Orders as the preservation of the Public Peace might render it necessary to be given them by the Governor in support of the civil Authority.

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Sunday, 29th January, 1764.

The Governor sent the following Letter this Morning by Express to Capt^n. William Murray, Commanding Officer of His Majesty's Troops at Carlisle, viz^t:

"PHILAD^A., 29th Jan^y. 1765.

"Sir:

"Some time ago several daring Tumults & insurrections in the County of Lancaster obliged me to apply to His Excellency Gen^l. Gage, for the aid of His Majesty's regular Troops in this Province, to support the civil Authority in the Execution of the Laws, whereupon he was pleased to favour me with the inclosed Order to the Officer commanding His Majesty's Forces at Carlisle, dated the 6th Instant, directing and requiring him to pay due Obedience to all

such Orders as I should judge necessary to transmit to him, to effect the above mentioned Purpose. I was in hopes I should not have had occasion to exert the power the General has put into my hands, but the publick Security & the preservation of His Majesty's Peace now lays me under the disagreeable necessity of doing it, and of desiring that you will, immediately on the receipt hereof, March with all His Majesty's Forces under your Command, with the greatest Expedition, down to the Burrough of Lancaster, where you are to take Quarters in the Barracks, & there remain till you shall receive my further Orders, holding yourself always in readiness to march from thence to such places and on such Services as the preservation of the Publick Peace may make it necessary for me to require of you.

"I am, Sir,

"Your most Obed^{t} humble Serv^{t},

"JOHN PENN.

"To Captain WILLIAM MURRAY, Command^{g} of His Majesty's Troops at Carlisle."

At a Council held at Philad^{a} on Thursday, the 2nd February, 1764.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieuten^{t} Governor, &ca.

William Logan,	Benjamin Chew,	Esq^{rs}
Richard Peters,	Thomas Cadwalader,	
Lynford Lardner,	Richard Penn,	

The Consideration of the Assembly's Message, of the 20th January last, was resumed, and the Council was of opinion that a Compliance with the advice therein given by the Assembly of sending for the Sheriff and Coroner of Lancaster, and the Magistrates of that Burrough, to give the best Information that could be obtained of the Persons concerned in the late Riots in the said County, would be attended with many ill Consequences, and instead thereof, were unanimously of opinion, that it would be more advisable for the Governor to give Instructions to some Justice or Justices of Lancaster County, in whose Prudence and discretion he can most confide, at the ensuing Court at Lancaster, to examine upon Oath the Sheriff and Coroner & any others, respecting their knowledge of the Authors and Perpetrators of the late Murders committed on the Indians there, and to do this with all possible Secrecy.

The Council further advised the Governor on this occasion to desire the Assembly, by a Message, to frame a Bill for establishing a Militia within this Province, as being the most effectual means of preserving the Publick Peace & of suppressing all Tumults and In-

surrections, which for the future may arise to disturb the good Order of Government, and endanger the Public Security.

The following Message was accordingly prepared, read and approved, & the Secretary was ordered to carry the same to the House.

A Message from the Governor to the Assembly.

"Gentlemen:

"I find great difficulty in settling, on the Footing of Law, & on the principles of the English Constitution, the Orders proper to be given to the Commanding Officer of the three Companies of Royal Americans, sent here by General Gage, to support the civil Power, as rules for his own Conduct and Government of the Soldiers, in case the Indians now under their protection should be attacked, and an Attempt made to murder them. At the same time that I wish to preserve these poor Creatures, by all the means in my power, I would not, in the Orders I give for that end, be guilty of the least Infraction of the Laws. A Doubt has arisen whether any Orders I can give to the regular Troops to make use of Force and Violence against his Majesty's Subjects, though riotously assembled, with an intent to kill the Indians, will be a legal justification for their shedding of Blood in opposing and preventing the design, till the civil power has first been called in, & in vain endeavoured to suppress the Tumult.

"In so tender and important a Case, I would rather err on the cautious side, and to remove all doubts, request you will seriously consider this matter immediately, and that by a short Law, you will for a time extend to this Province the riot Act of the first of George the first, or make such other Provision to remove the present difficulty, as you shall judge most proper.

"JOHN PENN.

"February 2d, 1764."

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The Governor laid before the Board a Letter from Sir William Johnson, dated the 20th January, 1764, which was read, and follows in these words, viz^{t}:

"JOHNSON HALL, January 20th, 1764.

"Sir:

"I have had the honour of your Letters of the 31st Ultimo, and 5th of this inst., together with the inclosures, and I heartily congratulate you on your arrival to your Government, wishing your appointment may prove to your entire Satisfaction.

"The steps you have taken for discovering those rash Offenders, were certainly very judicious, as well as highly necessary, and I am

hopeful they may be attended with success for bringing them to Justice.

"I apprehended, that after their first Offence in murdering the Six Indians of Conestogo, their mistaken resentment would have ended, & even that first act was sufficient to create much uneasiness amongst all the Indians, but their last public insult on the Law, and the Government itself, certainly demands the most strict enquiry, as well as the severest punishment.

"You may be assured, I shall use every argument with the Six Nations, the unfavorable ideas which they must certainly entertain of such a proceeding, as well to satisfy them that your Government highly disapproves of it, & will severely punish the Offenders; but I am aware of their Sentiments on the Subject, & greatly appresensive it will stagger the affections of the five hitherto well affected Nations, who consider the Indians of your Government as connected with them, and under their protection, and as the Murdered have been all along peaceably inclined, the friendly Indians in these parts may be induced to doubt our faith and sincerity towards themselves, from the unhappy fate of our late Friends in *Pennsylvania*, which will cause them to expect the same treatment whenever it is in our power to destroy them. This, I fear, may greatly check the Ardor They have lately expressed to me of assisting us against our Enemies, and even Spirit up many to obtain revenge within your Government.

"The threats which the Riotous parties have since thrown out, that they would destroy the Indians in the Neighbourhood, and under the Protection of *Philadelphia*, savours so much of Madness, that I cannot account for them; your gratifying the Indians request thereon, of coming to me, must, therefore, appear pleasing to them, but I have just received a Letter from Lieut. Governor Colden, informing me "That the Council have advised him not to admit them into this Province." This will probably prevent me from seeing them, and I heartily wish their return back may not expose them to fresh insults, which would certainly occasion a General defection.

"Several deputies from the Enemy, Senecas, have been lately with me here, making some friendly offers of Peace, but I am convinced that nothing but a good treatment, accompanied with occasional favours, will ever ensure a lasting peace, from the Jealous sentiments which our Enemies entertain of the English, and the presents the French had accustomed them to, for the toleration the Indians afforded them in their Country, insomuch that any future neglect on our parts will immediately produce a discontent and apprehension of our designs, which will inevitably occasion a renewal of Hostilities; so that a Peace made with these people, without proper subsequent steps to remove these Jealousies and establish a good Opinion with the Indians, is always liable to be violated, to the great detriment of Trade, & the certain destruction of the Fron-

tier Inhabitants with their dwellings, and the expence in which the Crown must be involved to suppress such devastations, will certainly amount to a much greater sum (independant of the loss the Provinces must sustain), than would conciliate the affections of the Indians, & enable us to extend our Settlements and Trade with the utmost Security.

"I heartily wish that the Law you have proposed may be agreed to by the Assembly, as it appears to me highly necessary, and essential, as Well to the Credit as the safety of the Province.

"I am with great Esteem, Sir,

"Your most Obed^{t} humble Serv^{t}

"WM. JOHNSON.

"The Honble L^{t} Gov^{r} Penn."

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The Council advised the Governor to write to the Magistrates of Berks & Lancaster Counties, to send him the earliest intelligence they may receive of the Designs and Motives of the Rioters.

"PHILADELPHIA, 4th February, 1764.

"Sir:

"Several reports having lately prevailed that a large Body of armed Men are assembling themselves on the Frontiers of Lancaster County, with an intention to come to this City, and put to death the friendly Indians who are under the Protection of this Government, and now guarded by a detachment of the King's regular Troops, I do hereby require you to make as early & Strict enquiry as you can, concerning the Truth of those Reports, and, in case you hear or know that any such Riotous party is actually on the Road, & coming here, or if you receive any certain Intelligence of their assembling for that purpose, forthwith to dispatch an Express to me with a Letter giving me Notice of the same, that I may take the necessary measures in time to prevent the Execution of so wicked & dangerous an undertaking.

"I am, Sir,

"Your very humble sev^{t}

"JOHN PENN.

"To Thomas Foster, Adam Reed, Esq^{rs} Lancas^{r} County.

"James Reed, Jonas Seely, Esq^{rs} Berks County."

—

Friday, 3rd February, 1764.

The Governor's Message to the Assembly, agreed on Yesterday, was carried to the House by the Secretary this forenoon.

At 6 o'Clock P. M. two members of Assembly waited on the Governor, and presented for His Honour's Concurrence A Bill en-

tituled "An Act for preventing Tumults and Riotous Assemblies, and for the more speedy and effectual Punishing the Rioters;" which the Governor took into his immediate Consideration, and having approved thereof, he went directly to Mr. Charles Norris's House, where the Assembly were sitting, on account of the Speaker's indisposition, and returned the said Bill to the House by the Secretary, with a verbal Message, that his Honour agreed to it, & was waiting there ready to pass it into a Law.

The Governor then, by the desire of the Speaker, entered the room where the House sat, & the Speaker presented the Bill entituled "An Act for preventing Tumults and Riotous Assemblies, &c^a." which His Honour enacted into a Law, and by his Warrant ordered the Great Seal to be affixed thereto.

At a Council held at Philadelphia on Saturday the 4th Febr^y 1764.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

William Logan, Benjamin Chew, Richard Peters, Thomas Cadwalader, Richard Penn, } Esq^rs.

The Commissioners acquainted the Governor that they had received Intelligence by a Letter from Lancaster County, & from Mr. Waine, a Member of Assembly, that a very considerable number of the people living on the Frontiers of that & other Counties, were actually assembling themselves with an intention of coming to this City to put to death all the Indians in the Barracks under the protection of this Government; & that to-morrow Morning was the time fixed on for the execution of their unlawful design.

The Governor thereupon desired the opinion of the Council as to the best measures to be taken on this occasion. They advised him to give written Instructions to Captain Schlosser to defend the Indians to the utmost of his power, by opposing, with the Detachment of the King's Troops under his Command, any attempts to destroy them, the riot Act being first read by a proper Civil Officer. To order Notice to be sent to all the Inhabitants of the Town to meet the Governor at the State House this afternoon at 4 o'Clock, to acquaint them there of the present Danger that threatned the Publick Peace, to desire they would immediately take Arms and put themselves under his Command in defence of the Government, and in Support of the Laws. To propose that 150 of the Gentlemen of the Town should assist the Soldiers in guarding the Barracks this night, and request that hereafter, upon any Alarm made by the ringing of the Bells, the Inhabitants would turn out with

their Arms and repair to the Barracks; or, if the Town should be attacked, that they would meet at the Court House, & defend the City.

It was recommended to the Commissioners, to purchase a quantity of Arms and Ammunition to be sent to the Barracks, & to employ a number of Carpenters to erect some works at the Barracks to make them more defensible, & to send 4 of the Cannon there from the State House, with the proper Artillery Stores. Spies were dispatched up the different roads to observe the motions of the Rioters, & to bring intelligence of their Approach.

The Governor laid before the Board a draught of a Message he proposed to send to the Assembly, which was read and approved, & the Secretary was ordered to carry it to the House as soon as they should meet next Week. The Message follows in these words:

A Message from the Governor to the Assembly.

"Gentlemen:

"I am sorry to inform you, that the same Spirit & frantic Rage, which actuated those who lately put to death the Indians in Lancaster County, Still prevails among them, & that, instead of having any Remorse for, or in the least dreading the bad Consequences of their Conduct, I have just reason to believe they are daily strengthening their Party, and adding greatly to their numbers, and threaten to come down armed in a body, and repeat the same Acts of cruelty on the Indians in the Barracks in the Northern Liberties of this City, determined to spare none who oppose the Execution of their wicked designs. They have already given abundant Proof, that neither Religion, Humanity, or Laws, are objects of their consideration, or of sufficient Weight to restrain them, & in our present weak and defenceless State, no one can answer a Moment for the Security of the Government itself, or any individual in it; there is still less reason to expect, if they should attempt to put their Threats in execution, and their numbers are half so great as it is reported, that the Soldiery, who are ordered to guard the Indians, will be able to afford them protection. It is further to be considered, that it will not be long before the Guard, which General Gage has kindly sent to support the civil Power, will be necessarily ordered on Duty elsewhere, and be employed against our open Enemies.

"The Government must then at least depend solely on the Exertion of its own Force and Powers, not only to defend the Indians, but to support itself and curb the violence of this licentious sett of people. In this critical situation, therefore, Gentlemen, I think it my Duty to His Majesty, & to the good people of this Province, most earnestly to recommend to you to frame a Militia Law, in a manner as little Burthensome to the Inhabitants as possible, as the only natural and effectual means of preserving the publick Tran-

quility, and enabling the civil power to enforce the Laws and vindicate the Honour of the Government.

"JOHN PENN.

"February 4th, 1764."

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Friday, 10th February, 1764.

The Governor's Message of the 4th Instant was carried to the House of Assembly by the Secretary this forenoon, a Quorum not having met this week till last Night, on account of the alarm in the City occasioned by the Approach of an Armed body of Rioters.

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Saturday, 11th February, 1764.

Two Members of Assembly waited on the Governor with the following Message from the House :

A Message to the Governor from the Assembly.

"May it please your Honour :

"Your Honour's Message of the 4th Instant we received Yesterday, and as we are of opinion that it contains matters of the utmost importance to the Welfare of this Province, we shall take the same into our most serious Consideration, & as soon as possible acquaint you with the Result; and notwithstanding the Rioters upon their approach near this City, and a discovery of the spirited Resolutions of the Citizens to oppose their barbarous and illegal designs, are dispersed, your Honour may be assured that nothing in our power consistent with the Trust reposed in us, shall be wanting for the security of the Government, & the protection of the Inhabitants, against the future violences of such licentious People who disturb the publick Tranquility, and trample on all Laws divine and human.

"Signed by Order of the House,

"ISAAC NORRIS, *Speaker.*

"February 11th, 1764."

At a Council held at Philadelphia on Tuesday the 14th February, 1764.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieut^{t} Governor, &ca.

Benjamin Shoemaker, Richard Peters,
William Logan, Thomas Cadwalader, } Esq^{rs}
Richard Penn,

The Governor laid before the Board a Memorial from the Reverend John Jacob Schmick, Missionary among the Indians, which was read and is as follows, viz^{t}:

"*Memorial of several Discources, which John Jacob Schmick, Missionary among the Indians, hath lately had with Pompunagh and several others of the Indians now in the Philadelphia Barracks, under the protection of this Government, vizt:*

"That the said Pompunagh & Comp^{y} were lately favoured with a Message from this Government to the five Nations, and to the friends of the Indians that were killed in Lancaster county, and as the said Mess^{rs} for reasons well known to the Governor, has not been forwarded, the said Pompunagh desires to have an opportunity to let his Honour, the Gov^{r} know,

"That at his, the said Pompunagh's, leaving the Indian Country some of his friends apprehended that he and his Company would be killed by the White People: That he promised the Indians he would soon let them know how he and the other Indians among the English did: That there is now about ——— days past since his leaving the Indian Country and no words sent to them: That this delay cannot fail to create Suspicion in the Indians, as if Pompunagh and his Company were cutt off; Besides that the destroying of the Indians in Lancaster County is already, or soon will be, known by the Indians, some of the White People being ill natured enough to go and tell the Indians such Stories as will draw their Resentment upon the English, and if even that was not done, the Indians might perhaps catch a few of the back Inhabitants, and force them to tell what is the matter with the Indians that were of late among the English; That if the Indians on Susquehanna, should by any such means come to the Knowledge of the Lancaster affair, and if they should hear and believe that all the Indians now under the protection of the Government of Pennsylvania were actually destroyed by those who have often threatened to do it, the said Pompunagh doth apprehend the Indians would be very angry, and fall upon the back Inhabitants, which they could not well have done before now, as having been hindered by the deep Snow on the other side of the Mountain; but as good deal of Snow is already

melted away, and if we should have some more thaw, the road would soon be fit for them to come down upon the Inhabitants.

"Therefore, the said Pompunagh thinks it is high time that he or some other Indians, in whom the Governor can place confidence, should go up to the Susquehanna Indians and tell them—1. That the murder committed on the Lancaster Indians was done and countenanced by some People that are ill affected to the Government, & that the Governor had issued two several Proclamations to the effect that these murtherers might be discovered, apprehended, and brought to Justice. 2. That the rest of the Indians were under the particular care and protection of this Government, all in good health and safety; that they had a strong Guard of the King's Troops given them by the General, to defend them against all Insults whatsoever.

"That the said Pompunagh offers his Service to the Government to go out for this purpose; That he will leave his Wife here, and the other Indians who came down with him; That he thinks he has some Influence with the Indians, & that they will believe what he says; That he will recommend to them the tenderness of the Governor and the great men of this Province towards the poor Indians, in respect to their maintenance & Protection, &ca.

"That a Chief of the Nanticoes is at present residing on Susquehanna, who is deputised by the five Nations, and is a great Counsellor among them; That Pompunagh intends to go and see him, by whose means he thinks that the Sentiments of this Government in respect to the Lancaster affair, can be properly conveyed to the five Nations, and also the minds of the other Indians made easy; That he promises himself a good Effect from this Journey, so that the Indians shall not resent the Lancaster affair upon the Inhabitants of Pennsylv^{a}, as he intends to argue with them, the said Indians, that if they should take their own Revenge, they would be no ways further intituled to any Satisfaction which the Governor otherwise had engaged to procure to them by the Course of the Law; Beside that, the white people would be so much more incensed against the remains of the Indians among them, that it might be out of the power of Government to protect them any longer.

"JOHN JACOB SCHMICK.

"Philad^{a}, Febr. 3rd, 1764."

The said Memorial being taken into Consideration, it was proposed by some of the Members that a Message should be sent with Papounan, to the Indians on the Susquehanna; But the Governor observed that the Indians at Wighalousin lately had a Message delivered to them, inviting them down here, which was never sent by the Government, but by some private people, who took every opportunity in their power to interfere & meddle in Indian Affairs, and to counteract the public Measures, by

sending Messages to the Indians contradictory to those sent by the Government; And that, therefore, having no Security that any Message from him would be faithfully delivered, he could by no means agree to send one to the Wighalousin Indians at this time, but had no objection to Papounan's Journey to the Indian Country, to acquaint his Friends of the kind treatment he and his Brethren have received from this Government while they remained under its Protection.

The Governor and Council being unanimously of opinion that all the Indians now in the Barracks of this City, should, as soon as possible, be removed, and sent into their own Country; and as they had been refused by the Governor of New York, a passage thro' that Province to Sir William Johnson's seat, The Council advised the Governor to write by Express to Sir William, as Superintendant of Indian Affairs, & desire his opinion as the most prudent and proper Expedient for the removal of the said Indians, and also to desire General Gage would be pleased to continue his protection of them by the Guard he has sent for that purpose, till an answer comes from S^r. W^m. Johnson.

The following Letter was accordingly sent to Sir W^m.:

A Letter from the Governor to Sr. Wm. Johnson.

"PHILADELPHIA, 17 Febr^y. 1764.

"Sir:

"I had the pleasure to receive your favour of the 20th Ult^o. and am now to acquaint you that the Indians who were refused a Passage through the Province of New York, returned safe to Philadelphia, under an Escort of a party of Royal Americans, by the order of General Gage, & have continued since in the Barracks here. It was very fortunate they were under the protection of that Guard, otherwise I fear they would have been all put to death by a very considerable number of armed men, who came last Week from the Frontiers, as far as Germantown, on that horrid design, but were, happily, diverted from putting it in Execution, in a great measure, by the opposition they apprehended from the Inhabitants of this City, as well as the King's Troops. It now seems more than ever necessary that all the Indians should be removed out of the Province, in order to put a stop to the present disturbances and murmurs of the People; and lest their Rage may not be restrained by any measures in the power of the Government, from venting itself still in the Destruction of these Indians. As I would take the most prudent and easy method of removing them into their own Country, and avoid any steps that might interfere with Indian Affairs in general, I must beg your opinion & advice on this head, whether it would be advisable to send them up by the shortest way under a Guard, to the Towns on the Susquehanna, or whether Governor Colden would not consent, upon an Application from you,

that they might pass up Hudson's River as far as Albany, in a Sloop, which might take them on board at Amboy; Or, if you think of any better expedient for their removal, I should be glad you would communicate it to me by the return of the Bearer, whom I send Express with this Letter.

"I have asked General Gage's further protection of the Indians here 'till I receive your answer.

"I am, Sir, Your most Obedient humble Servant,

"JOHN PENN.

"To Sir W^M. JOHNSON, Bar^t."

The Governor also laid before the Board the following Remonstrance from the Frontier Inhabitants, addressed to himself and the Assembly, setting forth their Grievances, and praying a redress of them, which was read and ordered to be carried by the Secretary to the House for their Consideration:

"*To the Honourable JOHN PENN, Esquire, Governor of the Province of Pennsylvania, & of the Counties of New Castle, Kent, and Sussex, on Delaware, and to the Representatives of the Freemen of the said Province, in General Assembly met:*

"We, Matthew Smith and James Gibson, in behalf of ourselves and His Majesty's faithful and loyal Subjects, the Inhabitants of the Frontier Counties of Lancaster, York, Cumberland, Berks, and Northampton, humbly beg leave to remonstrate & lay before you the following Grievances, which we submit to your Wisdom for Redress.

"First. We apprehend that as Freemen and English Subjects, we have an indisputable Title to the same Privileges & immunities with His Majesty's other Subjects who reside in the interior Counties of Philadelphia, Chester, and Bucks, and therefore ought not to be excluded from an equal share with them in the very important Privilege of Legislation; nevertheless, contrary to the Proprietors Charter and the acknowledged principles of common Justice & Equity, our five Counties are restrained from electing more than ten Representatives, viz^t: four for Lancaster, two for York, two for Cumberland, one for Berks, and one for Northampton, while the three Counties and City of Philadelphia, Chester, and Bucks, elect Twenty-Six. This we humbly conceive is oppressive, unequal, and unjust, the cause of many of our Grievances, and an infringement of our Natural privileges of Freedom & Equality; wherefore, we humbly pray that we may be no longer deprived of an equal number with the three aforesaid Counties, to represent us in Assembly.

"Secondly. We understand that a Bill is now before the House of Assembly, wherein it is provided that such Persons as shall be

charged with killing any Indians in Lancaster County, shall not be tried in the County where the Fact was committed, but in the Counties of Philadelphia, Chester or Bucks. This is manifestly to deprive British Subjects of their known Privileges, to cast an eternal Reproach upon whole Counties, as if they were unfit to serve their Country in the quality of Jurymen, and to contradict the well known Laws of the British Nation in a point whereon Life, Liberty and security essentially depend, namely, that of being tried by their equals in the neighborhood where their own, their Accusers, and the Witnesses' Character and Credit, with the Circumstances of the Fact, are best known, & instead thereof putting their Lives in the hands of Strangers, who may as justly be suspected of partiallity to as the Frontier Counties can be of prejudices against Indians; and this, too, in favour of Indians only, against His Majesty's faithful & loyal Subjects. Besides, it is well known that the design of it is to comprehend a Fact committed before such a Law was thought of. And if such practices were tolerated, no man could be secure in his most valuable Interest. We are also informed, to our great Surprize, that this Bill has actually received the assent of a Majority of the House, which we are persuaded could not have been the case, had our Frontier Counties been equally represented in Assembly. However, we hope that the Legislature of this Province will never enact a Law of so dangerous a tendency, or take away from his Majesty's good Subjects a privilege so long esteemed sacred by Englishmen.

"Thirdly. During the late and present Indian War, the Frontiers of this Province have been repeatedly attacked and ravaged by Skulking parties of the Indians, who have with the most Savage Cruelty murdered Men, Women and Children, without distinction, and have reduced near a thousand Families to the most extream distress. It grieves us to the very heart to see such of our Frontier Inhabitants as have escaped Savage Fury with the loss of their parents, their Children, their Wives or Relatives, left destitute by the public, and exposed to the most cruel Poverty and Wretchedness while upwards of an Hundred and twenty of these Savages, who are with great reason suspected of being guilty of these horrid Barbarities, under the Mask of Friendship, have procured themselves to be taken under the protection of the Government, with a view to elude the Fury of the brave Relatives of the murdered, and are now maintained at the public Expence. Some of these Indians now in the Barracks of Philadelphia, are confessedly a part of the Wyalousing Indians, which Tribe is now at War with us, and the others are the Moravian Indians, who, living with us under the Cloak of Friendship, carried on a Correspondence with our known Enemies on the Great Island. We cannot but observe, with sorrow & indignation, that some Persons in this Province are at pains to extenuate the barbarous Cruelties practiced by these Savages on our murdered Brethren & Relatives, which are shocking to human Nature, and must pierce every Heart, but that of the hardened per-

petrators or their Abbettors; Nor is it less distressing to hear others pleading that, although the Wyalousing Tribe is at War with us, yet that part of it which is under the Protection of the Government, may be friendly to the English, and innocent. In what nation under the Sun was it ever the custom that when a neighboring Nation took up Arms, not an individual should be touched but only the Persons that offered Hostilities? Who ever proclaimed War with a part of a Nation, and not with the Whole? Had these Indians disapproved of the Perfidy of their Tribe, & been willing to cultivate and preserve Friendship with us, why did they not give notice of the War before it happened, as it is known to be the Result of long Deliberations, and a preconcerted Combination among them? Why did they not leave their Tribe immediately, and come among us before there was Ground to suspect them, or War was actually waged with their Tribe? No, they stayed amongst them, were privy to their murders & Ravages, until we had destroyed their Provisions, and when they could no longer subsist at home, they come, not as Deserters, but as Friends, to be maintained through the Winter, that they may be able to Scalp and butcher us in the Spring.

"And as to the Moravian Indians, there are strong Grounds at least to suspect their Friendship, as it is known they carried on a Correspondence with our Enemies on the Great Island. We killed three Indians going from Bethlehem to the Great Island with Blankets, Ammunition, & Provisions, which is an undeniable Proof that the Moravian Indians were in confederacy with our open Enemies; And we cannot but be filled with Indignation to hear this action of ours painted in the most odious and detestable Colors, as if we had inhumanly murdered our Guides, who preserved us from perishing in the Woods, when we only killed three of our known Enemies, who attempted to shoot us when we surprized them. And besides all this, we understand that one of these very Indians is proved by the oath of Stinton's Widow, to be the very Person that murdered her Husband. How then comes it to pass, that he alone, of all the Moravian Indians, should join with the enemy to murder that family? Or can it be supposed that any Enemy Indians, contrary to their known custom of making War, should penetrate into the Heart of a settled Country, to burn, plunder, and murder the Inhabitants, and not molest any Houses in their return, or ever be seen or heard of? Or how can we account for it, that no ravages have been committed in Northampton County, since the removal of the Moravian Indians, when the Great Cove has been struck since? These things put it beyond doubt with us that the Indians now at Philadelphia are His Majesty's Perfidious Enemies, & therefore to protect and maintain them at the Public Expence, while our suffering Brethren on the Frontiers are almost destitute of the necessaries of Life, and are neglected by the Public, is sufficient to make us mad with rage, and tempt us to do what nothing but the most violent necessity can

vindicate. We humbly and earnestly pray, therefore, that those Enemies of His Majesty may be removed as soon as possible out of the Province.

"Fourthly. We humbly conceive that it is contrary to the maxims of good Policy, and extremely dangerous to our Frontiers, to suffer any Indians, of what tribe soever, to live within the Inhabited parts of this Province, while we are engaged in an Indian War, as Experience has taught us that they are all perfidious, & their Claim to Freedom & Independency, puts it in their power to act as Spies, to entertain & give intelligence to our Enemies, and to furnish them with Provisions and Warlike Stores. To this fatal intercourse, between our pretended Friends and open Enemies, we must ascribe the greatest of the Ravages and Murders that have been committed in the course of this and the last Indian War. We, therefore, pray that this grievance be taken under consideration and remedied.

"Fifthly. We cannot help lamenting that no Provision has been hitherto made, that such of our Frontier Inhabitants as have been wounded in defence of the Province, their Lives and Liberties, may be taken care of, and cured of their Wounds at the publick Expence. We, therefore, pray that this Grievance may be redressed.

"Sixthly. In the late Indian War this Province, with others of His Majesty's Colonies, gave rewards for Indian Scalps, to encourage the seeking them in their own Country, as the most likely means of destroying or reducing them to reason, but no such Encouragement has been given in this War, which has damped the Spirits of many brave Men, who are willing to venture their Lives in parties against the Enemy. We, therefore, pray that public rewards may be proposed for Indian Scalps, which may be adequate to the Dangers attending Enterprizes of this nature.

"Seventhly. We daily lament that numbers of our nearest & dearest relatives are still in Captivity among the Savage Heathen, to be trained up in all their Ignorance & Barbarity, or to be tortured to death with all the contrivances of Indian Cruelty, for attempting to make their escape from Bondage; We see they pay no regard to the many solemn Promises which they have made to restore our Friends who are in Bondage amongst them. We, therefore, earnestly pray that no trade may hereafter be permitted to be carried on with them, until our Brethren and Relatives are brought home to us.

"Eighthly. We complain that a certain Society of People in this Province, in the late Indian War, & at several Treaties held by the King's representatives, openly loaded the Indians with Presents, and that J. P., a leader of the said Society, in Defiance of all Government, not only abetted our Indian Enemies, but kept up a private intelligence with them, and publickly received from them a Belt of Wampum, as if he had been our Governor, or authorized by the King to treat with his Enemies. By this means the Indians have been taught to despise us as a weak and disunited people, and

from this fatal Source have arose many of our Calamities under which we groan. We humbly pray, therefore, that this Grievance may be redressed, and that no private subject be hereafter permitted to treat with, or carry on a Correspondence with our Enemies.

"Ninthly. We cannot but observe with sorrow, that Fort Augusta, which has been very expensive to this Province, has afforded us but little assistance during this, or the last War. The men that were stationed at that place neither helped our distressed Inhabitants to save their Crops, nor did they attack our Enemies in their Towns, or patrole on our Frontiers. We humbly request that proper measures may be taken to make that Garrison more serviceable to us in our Distress, if it can be done.

"N. B. We are far from intending any Reflection against the Commanding Officer stationed at Augusta, as we presume his Conduct was always directed by those from whom he received his Orders.

"Signed on Behalf of ourselves, and by appointment of a great number of the Frontier Inhabitants.

"MATTHEW SMITH,
"JAMES GIBSON,

"February 13th, 1764."

Friday, the 17th February.

Two Members of Assembly waited on the Governor, and acquainted him that the House had appointed a Committee to confer with him concerning the Remonstrance of Matthew Smith and James Gibson, and desired to know when he would be pleased to meet the Committee for that purpose; to which His Honour made answer, that he would meet them to-morrow Morning at 10 o'Clock.

The two Members at the same time requesting the Governor would be pleased to lay before the House the Declaration of the Rioters, presented to him previous to their Remonstrance, His Honour accordingly delivered to them the said Declaration, which follows in these words, viz^{t}:

"*The Declaration of the injured Frontier Inhabitants, together with a brief sketch of Grievances the good Inhabitants of the Province labour under.*

"Inasmuch as the killing those Indians at Conestogoe Manor and Lancaster has been, and may be, the subject of much Conversation, and by invidious Representations of it, which some, we doubt not, will industriously spread, many unacquainted with the true state of Affairs may be led to pass a Severe Censure on the

Authors of those Facts, and any others of the like nature, which may hereafter happen, than we are persuaded they would if matters were duly understood and deliberated. We think it, therefore, proper thus openly to declare ourselves, and render some brief hints of the reasons of our Conduct, which we must, and frankly do, confess, nothing but necessity itself could induce us to, or justify us in, as it bears an appearance of flying in the face of Authority, and is attended with much labour, fatigue, and expence.

"Ourselves, then, to a Man, we profess to be loyal Subjects to the best of Kings, our rightful Sovereign George the third, firmly attached to his Royal Person, Interest, and Government, & of consequence, equally opposite to the Enemies of His Throne & Dignity, whether openly avowed, or more dangerously concealed under a mask of falsly pretended Friendship, and chearfully willing to offer our Substance & Lives in his Cause.

"These Indians, known to be firmly connected in Friendship with our openly avowed embittered Enemies, and some of whom have, by several Oaths, been proved to be murderers, and who, by their better acquaintance with the Situation and State of our Frontier, were more capable of doing us mischief, we saw, with indignation, cherished and caressed as dearest Friends; But this, alas! is but a part, a small part, of that excessive regard manifested to Indians, beyond His Majesty's loyal Subjects, whereof we complain, and which, together with various other Grievances, have not only enflamed with resentment the Breasts of a number, and urged them to the disagreeable Evidence of it they have been constrained to give, but have heavily displeased by far the greatest part of the good Inhabitants of this Province.

"Should we here reflect to former Treaties, the exorbitant presents and great Servility therein paid to Indians, have long been oppressive Grievances we have groaned under; and when at the last Indian Treaty held at Lancaster, not only was the Blood of our many murdered Brethren tamely covered, but our poor unhappy captivated Friends abandoned to slavery among the Savages, by concluding a Friendship with the Indians, and allowing them a plenteous trade of all kinds of Commodities, without those being restored, or any properly spirited Requisition made of them; How general Dissatisfaction those Measures gave, the Murmurs of all good People (loud as they dare to utter them) to this day declare, and had here infatuated Steps of Conduct, and a manifest Partiality in favour of Indians, made a final pause, happy had it been; We perhaps had grieved in silence for our abandoned, enslaved Brethren among the Heathen; but matters of a later Date are still more flagrant Reasons of Complaint. When last Summer His Majesty's Forces, under the Command of Colonel Bouquet, marched through this Province, and a demand was made by His Excellency General Amherst, of Assistance to escort Provisions, &ca., to relieve that important Post, Fort Pitt, yet not one man was granted, although

never any thing appeared more reasonable or necessary, as the interest of the Province lay so much at stake, and the standing of the Frontier Settlements, in any manner, evidently depended, under God, on the almost despaired of success of His Majesty's little Army, whose Valour the whole Frontiers with gratitude acknowledge, and as the happy means of having saved from ruin great part of the Province; But when a number of Indians, falsely pretended Friends, and having among them some proved on Oath to have been guilty of Murder since this War begun, when they, together with others, known to be His Majesty's Enemies, and who had been in the Battle against Col. Bouquet, reduced to Distress by the Destruction of their Corn at the Great Island, and up the East branch of Susquehanna, pretend themselves Friends, and desire a Subsistance, they are openly caressed, & the Publick, that could not be indulged the liberty of contributing to His Majesty's assistance, obliged, as Tributaries to Savages, to support these Villians, these Enemies to our King & our Country; nor only so, but the hands that were closely shut, nor would grant His Majesty's General a single Farthing against a Savage Foe, have been liberally opened, and the Publick money basely prostituted to hire, at an exorbitant Rate, a mercenary Guard to protect His Majesty's worst of Enemies, those falsly pretended Indian friends, while, at the same time, Hundreds of poor distressed Families of His Majesty's Subjects, obliged to abandon their Possessions & fly for their lives at least, are left, except a small Relief at first, in the most distressing Circumstances, to starve neglected, save what the friendly hand of private Donations has contributed to their support, wherein they who are most profuse towards Savages, have carefully avoided having any part. When last Summer the Troops raised for Defence of the Province were limited to certain Bounds, nor suffered to attempt annoying our Enemies in their Habitations, and a number of brave Volunteers, equipped at their own Expence in September, up the Susquehanna, met and defeated their Enemy, with the loss of some of their number, and having others dangerously wounded, not the least thanks or acknowledgment was made them from the Legislature for the confessed Service they had done, nor only the least notice or Care taken of their wounded; Whereas, when a Seneca, who, by the Informany of many, as well as by his own Confession, had been, through the last War, our inveterate Enemy, had got a cut in his Head, last Summer, in a quarrel he had with his own Cousin, & it was reported in Philadelphia that his Wound was dangerous, a Doctor was immediately employed and sent to Fort Augusta to take care of him, and cure him if possible. To these may be added, that though it was impossible to obtain, through the Summer, or even yet, any Premium for Indian Scalps, or encouragement to excite Volunteers to go forth against them; Yet, when a few of them known to be the fast friends of our Enemies, and some of them murderers them-

selves, when these have been struck by a distressed, bereft, injured Frontier, a liberal reward is offered for apprehending the Perpetrators of that horrible Crime of Killing his Majesty's Cloaked Enemies, and their Conduct painted in the most atrocious Colours, while the horrid Ravages, cruel murders, and most shocking Barbarities, committed by Indians on His Majesty's Subjects, are covered over, and excused, under the charitable Term of this being their method of making War. But to recount the many repeated Grievances, whereof we might justly complain, and instances of a most violent attachment to Indians, were tedious beyond the patience of a Job to endure, nore an better be expected, nor need we be surprized at Indians insolence & Villainy, when it is considered, and which can be proved from the Publick Records of a certain County, that sometime before Conrad Weiser died, some Indians belonging to the Great Island or Wighalousing, assured him that Israel Pemberton (an ancient leader of that Faction, which for so long a time have found means to enslave the Province to Indians), together with others of the Friends, had given them a Rod to scourge the White People that were settled on the purchased Lands, for that Onas had cheated them out of a great deal of Land, or had not given near sufficient Price for what he had bought; and that the Traders ought also to be scourged, for that they defrauded the Indians, by selling Goods to them at too dear a rate; and that this Relation is matter of Fact, can easily be proved in the County of Berks. Such is our unhappy Situation, under the Villainy, Infatuation and Influence of a certain Faction, that have got the Political Reins in their hands, and tamely tyrannize over the other good Subjects of the Province. And can it be thought strange, that a Scene of such treatment as this, & the now adding, in this critical Juncture, to all our former Distresses, that disagreeable Burthen of supporting, in the very heart of the Province, at so great an Expence, between one and two hundred Indians, to the great Disquietude of the Majority of the good Inhabitants of this Province, should awaken the resentment of a people grossly abused, unrighteously burthened, and made Dupes and Slaves to Indians? And must not all well disposed people entertain a charitable Sentiment of those who, at their own great Expence and Trouble, have attempted or shall attempt, rescuing a labouring Land from a Weight so oppressive, unreasonable and unjust? It is this we design, it is this we are resolved to prosecute, though it is with great Reluctance we are obliged to adopt a Measure not so agreeable as could be desired, and to which Extremity alone compels.

"GOD SAVE THE KING."

At a Council held at Philadelphia on Saturday the 18th Febr^{y} 1764.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

James Hamilton,	Lynford Lardner,	Esq^{rs}.
Benjamin Shoemaker,	Benjamin Chew,	
William Logan,	Richard Penn,	

The Governor having appointed this morning for a Conference with a Committee of Assembly, by the desire of the House, to consider of some matters relative to the Remonstrance addressed to the Governor & Assembly by Matthew Smith & James Gibson, in behalf of themselves and the five Frontier Counties of this Province, praying a Redress of Grievances, The Committee of Eight Members accordingly met the Governor in Council.

After reading the said Remonstrance, the Committee acquainted the Governor, that as it was addressed to both branches of the Legislature, the House were desirous that he would act in concert with them in sending for Matthew Smith and James Gibson, in interrogating them in public, & convincing them that the several matters set forth respecting the Conduct of the Executive & Legislative Powers of Government, are unjust and without foundation.

The Committee, after giving the Governor the several Reasons for this proposal of the House, retired. The Council then took the same into Consideration, but being of Opinion that they ought not to be precipitate in forming their judgment on this matter, advised the Governor to defer giving an Answer to the Assembly till Monday. Accordingly, the Governor directed the Secretary to acquaint the House, that as the matters proposed by the Committee of Assembly this morn^{g} were of some importance, he inclined to take them under further Consideration till Monday, when he hoped to give them an Answer.

At a Council held at Philadelphia, on Monday the 20th February, 1764.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Benjamin Shoemaker,	Lynford Lardner,	Esq^{rs}.
William Logan,	Benjamin Chew,	
Richard Peters,	Thomas Cadwalader,	
Richard Penn,		

The Governor laid before the Board a Bill sent to him by the Assembly, for His Honour's Concurrence, entitled "A Supplement to

the Act entituled 'An Act for taking Lands in Execution for the payment of Debts, and for confirming Partitions in several instances heretofore made,'" which was read & referred to a further Consideration.

The Proposal made by the Committee of Assembly on Saturday last, concerning the Remonstrance of the Frontier Inhabitants, was again considered by the Board, and the following answer thereto being drawn up, was read and approved. The Secretary was directed to deliver the same to the Committee of Assembly:

"The Governor's Answer to a proposal made him by a Committee of Assembly, in a Conference with them on Saturday last; which was, that he would act in Concert with the House, in sending for Matthew Smith and James Gibson, who lately presented to the Governor and Assembly a Remonstrance or Petition in behalf of themselves & the five Frontier Counties of this Province, praying a Redress of certain supposed Grievances, and in interrogating them in publick, and shewing that the several Matters and Things therein contained, respecting the conduct both of the executive and legislative Powers of Government, are unjust and without Foundation.

"The Governor would, with great pleasure, take every legal and constitutional Measure which had a Tendency to promote the Publick Peace & Harmony, and quiet the Minds of such of His Majesty's Subjects in this Province, as are discontented, and remove any Errors or Mistakes they lie under, but he cannot accede to the method proposed by the Assembly, on this occasion, for the following Reasons:

"First. Because it would, in his opinion, be not only unbecoming the Honour and Dignity of the Government, which he shall always think it his Duty to support, but tacitly giving up the indubitable Rights of both branches of the Legislature, to enter into any Argument or Justification with the Petitioners, on the subject matter of their Complaints. Whether any Article in the Remonstrance or Petition is, or is not a real Grievance, or requires redress, is proper for the Consideration of the Representative Body of the people only, in the first Instance; after which the Governor is to exercise his Judgment on any Bill which may be prepared for that purpose; whatever may be ultimately determined on by both branches of the Legislature, will be final and binding upon the People; and the Governor conceives that he cannot concur with the Measure proposed, without inverting the order of Government and departing from the Rights the legislative Body is vested with by the Constitution.

"Secondly. The legislative and executive Powers of Government are independent of one another, and are lodged in different hands; and though the Petitioners have in this case very injudiciously blended together matters which Regard both, yet that can be no reason why the Governor and Assembly should follow their Example.

"The Governor doubts not but the House will take into Consideration such parts of the Remonstrance as are proper for their Cognizance, and do therein what in their Wisdom and Justice they think Right, as he will with Regard to such other parts as Relate to the executive Branch of Government.

"JOHN PENN.

"February 20th, 1764."

At a Council held at Phila, on Monday, the 27th Febr^y 1764.

PRESENT:

The Honourable JONH PENN, Esq^r Lieutenant Governor, &ca.

James Hamilton, William Logan, } Esquires.
Benjamin Chew, }

The Bill entituled "An Act for the payment of £10,947 Sterling, in certain Proportions, to the several Colonies in America," And a Supplement to the Act entituled "An Act for taking Lands in Execution for the payment of Debts, and for confirming partitions in several Instances heretofore made," being again considered, were approved and ordered to be returned to the House to-morrow, without any Amendment.

The Governor laid before the Board the two following Bills, which were presented to him from the House on Saturday last, for his Concurrence, entituled "An Act for granting to his Majesty the Sum of £50,000, and for Striking the same in Bills of Credit, in the manner herein after directed, & for providing a Fund for Sinking the said Bills of Credit by a Tax on all Estates, Real and personal, and Taxables within this Province;" And a Supplement to the Act entituled "An Act for erecting a Light House at the Mouth of the Bay of Delaware, at or near Cape Henlopen, and for placing & fixing Buoys in the said Bay and River Delaware, & for appointing Commissioners to receive and recover certain Sums of Money heretofore Raised by way of Lottery, and to appropriate the same to the purposes aforesaid," which were in part considered, and referred to a future Reading and Consideration.

Tuesday, 28th February.

The Secretary, by the Governor's Orders, carried to the House the two Bills entituled "an Act for the payment of £10,947 Sterling, &c^a." and the "Supplement to the Act entituled 'an Act for taking Lands in Execution for the payment of Debts, &c^a.'" and acquainted them with His Honour's Assent thereto; at the same time, by a verbal Message, he informed them that, as the Supply Bill was a

very long one, the Governor had it still under Consideration, and would let the House know his Determination upon it as soon as conveniently he could.

At a Council held at Philadelphia on Wednesday, 7th March, 1764.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

James Hamilton, Benjamin Shoemaker, Benjamin Chew, Esq^rs.

The Bill entituled "An act for granting to His Majesty the Sum of £50,000, and for Striking the same in Bills of Credit, &c^a," was read, and again considered. There appearing Several material Objections to the said Bill, the Governor observed that he could not think it consistent with His Duty to the Crown & Obligations to the Proprietaries, to pass it, especially as it contained Clauses directly repugnant in two points, Relating to the Taxation of the Proprietary Lands to the Decree of his late Majesty in Council, on an Act for granting to His Majesty £100,000, in the Year 1759, agreeable to the Report of a Committee of the Lords of the Council, that the said Act ought to be repealed, unless the Six alterations and amendments mentioned in the said Report were made to it. The Governor, therefore, laid before the Board a Draught of a Message which he proposed to send to the House with the Bill; the same being read & approved, was ordered to be transcribed and carried with the Supply Bill to the House to-Morrow morning.

A Message from the Governor to the Assembly.

"Gentlemen:

"It gives me real Concern to be under the necessity of refusing my Assent to the Supply Bill entituled "An Act for granting to His Majesty the sum of Fifty thousand Pounds, and for striking the same in Bills of Credit, &ca.," sent up for my Consideration. I am no stranger to the long disputes and Differences which unhappily Subsisted for many Years after the breaking out of the last War, between the two Branches of the Legislature in this Province, upon Bills of the like Nature with this now before me, nor to the Mischief and ill Consequences which ensued to the Public from them. As the Principal points in Controversy could not be adjusted here, they were at last happily brought to an Issue before His Majesty in Council, upon an Act for granting to His said Majesty the Sum of one hundred thousand Pounds, passed in the Year 1759, which being Referred to a Committee

of the Lords of the Council, they after a full hearing Reported that the said Act was fundamentally wrong and unjust, and ought to be repealed, unless Six Alterations and Amendments by them particularly mentioned were made to it; And the only Reason why the King was then graciously pleased by his Decree to permit that Act to stand unrepealed, was that the Agents for the Assembly entered into a Stipulation which they signed in the Council Books, undertaking and engaging that the House would frame a Bill to alter and Amend the said Act, according to the Report of the Lords of the Committee. A Letter from the Right Honourable the Earl of Egremont, one of His Majesty's principal Secretaries of State, of the twenty-seventh of November, 1762, (which you will find entered on your Journals), wrote by the express Orders of our present Sovereign, to my predecessor Mr. Hamilton, highly approving of his Conduct in withholding his assent to a latter Supply Bill, for containing several Clauses repugnant to the said Report, which as the Letter expresses, he could not pass consistently with his Duty to His Majesty and his Obligations to the Proprietaries, clearly demonstrates His present Majesty's Sense of the Wisdom and Justice of the above mentioned Decree. Under these Circumstances, I should be inexcusable in doing any Act which militates against the Solemn and deliberate Sentence of that Judicatory, which by our Constitution is vested with the power of determining in the last appeal, which by our Constitution is vested with the power of determining in the last appeal, especially as it is adopted & enforced by His present Majesty in the Secretary of State's Letter. My principal objections to the Bill now before me are, that it is expressly contrary to the Decree of the Council Board; first, in the taxation of the Proprietary located uncultivated Lands in the Country, and their Lots in Cities & Boroughs; & Secondly in the subjecting any part of the Money given to the King's use by this Bill to all such Drafts and Certificates as have been or hereafter shall be made by Order of the Assembly only, for the incidental charges of the current Year, without my previous consent thereto, or being even made acquainted therewith; lastly, the Bill in a former part enacts that no less than five Provincial Commissioners of appeals shall make a Board, and in a latter part it expressly says that three shall be sufficient to determine any appeal. Whereupon, I now return it to you, and most earnestly desire that you will again take it into your consideration, and free it from these objections, so that I may be able to give my Assent to it consistent with my Duty and the Trust reposed in me.

"JOHN PENN.

"March 7th, 1764."

A Bill entituled "An Act for forming and regulating the Militia of the Province of Pennsylvania," sent up by the House for the

Governor's Concurrence, was then read and referred to a further Consideration.

A Bill entituled "An Act for the relief of Samuel Wallis, a Prisoner in the Goal of Philadelphia, with respect to the imprisonment of His person," being presented to the Governor for his Concurrence, was read and approved, and the Secretary was ordered to carry the same to the House to-morrow, with the Governor's Assent, & at the same time acquaint them that his Honour would return the two other Bills under his consideration as soon as possible.

Saturday, 10th March, 1764.

Two Members of the Assembly waited on the Governor and acquainted him that the House being inclinable to break up very soon, hoped the Governor would return the two Bills under his Consideration as soon as possible, & desired to Know at what time they might expect them; to which the Governor answered, that he would return them to the House on Monday next.

At a Council held at Philad^{a} on Monday, the 12th March, 1764.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieut^{t} Governor, &c^{a}.

James Hamilton, Lynford Lardner, } Esq^{rs}.
Benjamin Chew, Richard Penn, }

The Bill entituled "An Act for forming and regulating the Militia of the Province of Pennsylvania," was again read, and being fully considered, there appeared among others the following material Objections to it, viz^{t}: 1st. It provides that the Officers shall be elective, and in the Nomination of the people. 2dly. That the Governor shall not have the power of ordering a part of the Militia to do duty on the Frontiers, for the defence of the Province, while the Provincial Troops were employed elsewhere, without the advice and consent of the Provincial Commissioners. 3dly. The several Fines to be imposed on the Officers and Soldiers for neglect of Duty, in every instance, are too small, and by no means sufficient to answer the purposes intended by them. 4thly. No provision is made for holding Courts Martial, for punishing Capital Crimes, such as Mutiny, &c^{a} in time of actual Service.

Accordingly several Amendments were made to the Bill, and the Secretary was directed to return it with the same to the House in the afternoon for their Consideration.

The Bill, entituled "a Supplement to the Act entituled 'An Act for erecting a Light House at the Mouth of the Bay of Delaware, &ca,'" was again considered, and the Secretary was ordered to return the same to the House with a Verbal Message, in the words following, viz^{t}:

"Sir:

"The Governor commands me to return the Bill entituled "A Supplement to the Act entituled, 'An Act for erecting a Light House at the Mouth of the Bay of Delaware, &ca.,'" to inform the House that he has no other objection to it than that the House have, by inserting the Officers name for collecting the Duties thereby imposed, even without consulting him in the Appointment or Nomination of such Officer, made an Infringement on the Prerogatives of the Crown, with which he is entrusted; and that he cannot, therefore, pass it in its present Form."

At a Council held at Philadelphia, on Monday the 19th March, 1764.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

James Hamilton, Benjamin Chew, } Esquires.
Lynford Lardner, Richard Penn, }

The Governor laid before the Board a Bill entituled "An Act for granting to his Majesty the sum of £55,000, and for striking the same in Bills of Credit, in the manner herein after directed, and for providing a Fund for sinking the said Bills of Credit by a Tax on all Estates, real and personal, & Taxables within this Province," sent up by the House last Week for His Honour's concurrence, & the same being read and considered, it was found liable to the same objections as were made to the last Supply Bill respecting the Taxation of the proprietary located uncultivated Lands and Lots; And, therefore, the Secretary was directed to return it, with the following Verbal Message, to the House, viz^{t}:

"Sir:

"The Governor returns the Bill intituled 'An Act for granting to His Majesty the Sum of £55,000, &ca,' and commands me to acquaint the House that it is Liable to the same Objections which he made in his Message of the Seventh of this Instant, to the last Supply Bill, relative to the taxation of the Proprietary located uncultivated lands and Lots, as must appear at first View, on comparing the Bill with the Decree of His late Majesty. The Governor,

therefore, most earnestly recommends it to the House to make the Bill conformable in these particulars to the Said Decree, from the Terms of which he cannot in duty deviate, after which he will readily pass it into a Law."

The Bill intituled "a Supplement to the Act intituled 'An Act for the better settling Intestate Estates,'" and for repealing one other Act of General Assembly of this Province, intituled "An Act for amending the Laws relating to the partition and distribution of Intestates' Estates," sent up by the House for the Governor's concurrence, was also laid before the Board, & being read and considered, was ordered to be returned to the House with several Amendments.

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Eodem die.

The Governor received from the Assembly, by two Members, a verbal Message, in these words, viz^{t}:

"The House apprehend that they have, in the Supply Bill, fully complied with the Stipulations entered into by the Agents at the Council Board, relative to the Proprietary located unimproved Lands & Lots, and have expressed the Intention of the same in the plainest Terms. As the Governor thinks otherwise, the House request he would be pleased to explain to them what he takes to be the Intention of the said Stipulation in that respect, it being highly necessary the Act should be expressed in such Terms as that those who are to execute it should clearly understand it"

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Tuesday, 20th March.

The Governor sent to the House follow^{g} verbal Message by the Secretary, viz^{t}:

"Sir:

"In answer to the verbal Message from the House, of the last Evening, the Governor orders me to lay before the House a Copy of the Second and third Articles of the decree of His late Majesty in Council, Referred to in his former Message, which are as follows, viz^{t}:

"'2. That the located uncultivated Lands belonging to the Proprietaries shall not be assessed higher than the lowest Rate at which any located uncultivated Lands belonging to the Inhabitants shall be assessed.'

"'3. That all Lands not granted by the Proprietaries, within Boroughs & Towns, be deemed located uncultivated Lands, and rated accordingly, & not as Lots.'

"The Governor further commands me to acquaint the House that the Agents for the Assembly stipulated that the House would frame a Bill in conformity to the said Order of the Council Board, & that he apprehends the Words made use of in the above articles to be so express and certain, as to admit of no doubt or Ambiguity, and to convey a meaning very different from the Provisions made respecting these matters in the present Bill. But, as the Session hath been drawn out to such an unusual length that the Levies voted by the Assembly will be useless unless they are raised immediately, and a difference in Opinion, or Dispute between him and the House, at this time, with regard to the Intention of the Agents, in the said Stipulations, would probably obstruct his Majesty's Service, and defeat the good Ends proposed by the General, in the aids he hath demanded of this province; the Governor. to avoid these Mischiefs, hopes the House will be pleased to insert in the Bill the above clauses, in the very Words of the Decree."

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Eodem Die.

A Member of Assembly waited on the Governor, and delivered a verbal Message from the House, in the words following, Viz^{t}:

"As the Governor and assembly differ in their opinion of the meaning of the Words contained in the Stipulations, he mentions, it is very probable, if the same Terms only, are used, the Commissioners and Assessors of the several Counties may differ likewise, in their opinion of the meaning of those Terms, and thence differ in the Modes of Taxation, and the Provincial Commissioners of Appeal may not know what to determine in the last instance. It seems, for that reason, necessary to use Terms more certain and explicit, though expressing the same meaning, which the House have accordingly done. But in order to come to a right understanding with the Governor on this matter, they request he would be pleased to acquaint them whether he understands the meaning of the Stipulation concerning the located uncultivated Lands to be, that the best and most valuable of the Proprietaries' Lands and Lots should be taxed no higher than the worst and least valuable of the Lands and Lots belonging to the people? As the greatest part of the Troops are already raised, the House do not conceive that the settling of this important point, so as to leave it clear, can occasion any Delay prejudicial to His Majesty's Service."

In the Evening the Governor sent the Secretary to the House with the following verbal Message, in answer to theirs of this day, but meeting two Members who acquainted him that the House were

adjourned till to-morrow, he was directed by the Governor to deliver it as soon as they met in the morn^{g}:

"Sir:

"The Governor commands me to acquaint the House that he will not enter into any dispute with the House about the Intent or Meaning of the Agents in the Stipulations they made, since he is to be guided by the royal Order, and not by the Intention of the Agents. The Lords of the Committee, when they framed the two articles in their Report, a Copy of which was inserted at large in the Governor's Message of Yesterday, and his late Majesty, when he approved of that Report, most certainly understood the Force of the words they made use of to convey their Ideas; if this is once admitted, the Governor is of opinion that the English Language does not afford words more forcible, clear, and explicit, than are contained in the Articles before mentioned, & consequently, that any Amendments or Additions attempted to be made to them by the House, will rather tend to perplex than explain the Royal Order, which induces him again most earnestly to entreat the House to insert the very Terms of the said Order in the Bill."

Then two Members returned to the Governor the Bill entituled "A Supplement to the Act entituled 'An Act for better settling Intestates' Estates, &ca,'" and delivered an Answer of the Assembly to His Honour's Amendments thereto, wherein they agree to several of them, and adhere to the Bill with respect to some others, and make a few new ones.

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Wednesday, the 21st March.

The Secretary delivered to the House the verbal Message intended to be sent last Night, and also, returned the Bill for Settling Intestates' Estates, &ca., with the Governor's Reply to the Assembly's Answer to his Amendments thereto, in which His Honour adheres to some of his Amendments, recedes from others, and agrees to the new ones made by the House.

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Thursday, the 22nd March.

Two Members of Assembly waited on the Governor with the Supply Bill, and the following written Message from the House; and at the same time acquainted him that the House were very inclinable to make an Adjournment, and desired His Honour would be pleased to appoint a time for passing the Bills, to which His Honour made answer that he should be ready for that purpose, in the Council Chamber, to-Morrow at 12 o'clock.

A Message to the Governor from the Assembly.

"May it please your Honour:

"The House, on a review of the Messages that have passed between your Honour and them, concerning the Money Bill, beg leave to declare that they had the sincerest desire to comply with the requisitions of His Majesty's General, and, therefore, immediately, at your Honour's instance, voted the number of Men required, and the sum necessary to raise, cloathe, and pay them, and are sorry they should be obliged to say that the Delays & Difficulties they have met with in compleating a Bill to carry that Vote into Execution, have arisen wholly from the intervening of Proprietary Interest & Instructions, which your Honour, who are "no Stranger to the long Disputes and Differences that unhappily Subsisted for many Years between the two Branches of the Legislature, on Bills of the like Nature," must know were ever the great & Sole Obstructions to His Majesty's Service in this Province.

"To prevent a revival of those Disputes, the House have, in the Present Bill, complied fully, according to the best of their understanding, with the opinion of the Lords of the Committee, approved by His late Majesty, Respecting our Supply Bill, and, therefore, had the greatest reason to hope that no objection could now arise to its passage.

"But your Honour is pleased to refuse your Assent to the Bill, unless in two of the Six alterations proposed by their Lordships, the very Terms made use of by them in their Report, are inserted in the Bill, alledging that you cannot in duty deviate from them.

"Such a reason for not passing this Bill, appears the more extraordinary to us, as the Six articles in that Report are evidently Heads only of proposed Amendments, and do not appear to be ever intended as formed Clauses, the very words of which were to be inserted in our future Supply Bills.

"For instance, one is, 'that the real Estates to be taxed, be defined with Precision, So as not to include the unsurveyed waste Lands belonging to the Proprietaries.' Can it be thought that these words ought to make a part of the Bill? Another is, 'That the Governor's consent and approbation be made necessary to every issue & application of the money to be raised by virtue of such Act.' Another, 'That Provincial Commissioners be named to hear and determine Appeals brought on the part of the Inhabitants, as well as of the Proprietaries' Another, 'That the payments by the Tenents to the Proprietaries of their Rents shall be according to the Terms of their respective Grants, as if such Act had never been passed.' All these appeared to us to be merely Heads of Provisions to be made in the Bill, and the Provisions are accordingly made, tho' in very different Words, but such as fully and particularly express the same meaning. Thus, the last, 'That the pay-

ment by the Tenants to the Proprietaries of their Rents shall be according to the Terms of their respective Grants, as if such Act had never been passed,' is provided for in the Clause that makes the paper Money a legal Tender in all payments whatsoever, by adding these words: 'the Sterling Rents due or to become due to the Proprietaries of this Province only excepted,' which words we conceived would effectually answer that purpose. And these Changes your Honour has not disapproved If the 'very Terms' of the Order in Council are so sacred, that they must be made use of and no other, and your Honour cannot in duty deviate from them. The House are at a loss to account for your agreeing to all those Alterations, and particularly to the latter, without the least Objection."

Their Lordship's words relating to the Points now under Consideration, are these:

"That the located uncultivated Lands belonging to the Proprietaries shall not be assessed higher than the lowest Rate at which any located uncultivated Land shall be assessed," And "That all Lands not granted by the Proprietaries within Borroughs and Towns be deemed located uncultivated Lands, and rated accordingly, and not as Lots."

These Provisions in our Bill are thus expressed, viz": "And be it further enacted and provided nevertheless, That the Located uncultivated Lands belonging to the Proprietaries of this Province shall not by virtue of this Act be assessed higher than the lowest Rate at which any located uncultivated Lands belonging to the Inhabitants thereof, under the same Circumstances of Situation, Kind and Quality, shall be assessed; and that all Lands not granted by the Proprietaries within Borroughs and Towns be deemed located uncultivated Lands, and Rated accordingly, any thing in this Act to the contrary thereof in any wise notwithstanding."

We thought, may it please your Honour, that We had herein expressed the true Intent of those two Articles, but you have been pleased to let us know that you think otherwise, and that in your Opinion, the Words made use of in those Articles convey a Meaning very different from the Provisions made Respecting these matters in the present Bill. We then by a Message requested your Honour would be pleased to acquaint us what meaning you conceive they do convey. This you have Refused. We have then endeavoured to conjecture from the former Tenure of Proprietory Measures, what sense your Honour might possibly be willing to understand them in, and by another Message, after setting forth that as your Honour and the House differed in their Opinion of the meaning of those Articles, it was very probable the Commissioners and Assessors of the several Counties who were to execute the Act, might, if the Same Terms only were used, differ likewise in their Opinion, and thence differ in the modes of Taxation. We requested you would be pleased to acquaint us, whether you understood the meaning to be "that the best and most valuable of the Proprietarie's

Lands and Lots should be Taxed no higher than the worst and least valuable of the Lands belonging to the People." This your Honour has been pleased neither to disown or deny, but continue to insist that the words of those Articles are so clear & explicit, that any additions to them will Rather tend to perplex than explain them, and therefore urge us again to put them and no others in the Bill.

"We beg your Honour would be pleased to reflect for a moment How absurd it would be for the two Branches of the Legislature to agree to pass an Act in Terms which both of them have in public Messages declared before hand that they understand very differently, and particularly how extreamly wrong in the Assembly, when the other Branch, the Executive, will not declare what it understands by those Terms, but reserves that till the Law shall come to be executed.

"Under these Circumstances, 'tis impossible for us to use in this Bill the Terms unexplained, which your Honour Insists upon.

"We do, therefore, uanimously adhere to our Bill, and once more earnestly Request your Honour would be pleased to pass the same without further delay, as His Majesty's Service and the present deplorable Circumstances of the Frontiers, require its being carried into immediate Execution.

"Signed by order of the House,

"ISAAC NORRIS, Speaker.

"March 22nd, 1764."

—

Friday, 23rd day, A. M.

The Secretary, by the Governor's directions, acquainted the House that His Honour being necessarily engaged in Business this forenoon, could not conveniently meet the House, in order to pass the Bills, till 5 o'Clock this afternoon, when he should be ready to receive the House for that purpose.

—

Eodem Die, P. M.

The Governor again sent down the Supply Bill, with a written Message to the Assembly, which follows in these Words, viz^{t}:

A Message from the Governor to the Assembly.

"Gentlemen:

"In the present Situation of Affairs, when His Majesty's Service & the defence and Protection of our Frontiers against the

Indian Incursions the ensuing Summer, require the raising and keeping up a Body of Troops to oppose our Enemies and enable the General to carry on the Offensive Operations he has wisely planned against them, it is not without inexpressible Concern, I find by your last Message, that the Supply Bill must of necessity be rejected, unless you will yet agree to insert in it the two Clauses of their Lordship's Report, a copy of which I laid before you in my Message of Tuesday last. But I flatter myself, Gentlemen, that when the Subject Matter of the Dispute between Us respecting the Bill comes to be fairly stated and understood, none of the ill consequences which may ensue from the failure of it can justly be imputed to me.

"I have already told you that I was not unacquainted with the long and various Contests which were agitated between the legislative Branches here for several Years after the last War, nor to the Evils and Miseries which were entailed on the Frontier Inhabitants particularly by them, but I was also firmly persuaded that by the solemn Determination of the King and Council upon these points, all future Assemblies would acquiesce therewith, and that all Controversy about them was at an end; I could not, therefore, but be much surprized when, on receiving the first Supply Bill which you presented me, I found that it was only in my Opinion contrary to those Articles in the Royal Order which I have Objected against the present Bill, but by subjecting the Money to be struck to the Drafts & Orders of the Assembly only, for defraying what they should please to Certify were contingent Charges of the Current Year, was contrary also to the fourth Article in the said Order, viz': That the Governor's consent be made necessary in every Issue and Application of the Public Money. The Bill now before me you have, at my instance, been pleased to amend in this last particular, & you contend that you have complied with the Intent and Meaning of the Lords of the Council in the other two Articles with regard to the Taxation of the Proprietary Estate.

"Could I concur with you in this opinion, I should with the greatest joy assent to a Bill which I most ardently wish to forward by every means consistent with my Duty. I know of no other certain Rule of judging of the intentions of another, than by the plain import of the words made use of to convey them, & agreeable to this rule, I am yet persuaded that there needs nothing more than to set the Terms of the report in opposition to the Clause in the Bill relative to the Taxation of the Proprietary located uncultivated Lands and Lots, to demonstrate to every unprejudiced Mind, that they convey a Sense and Meaning diametrically opposite one to the other.

"After having again considered, with the utmost care & attention, the words of the Second Article of the Decree, which are, 'that such Lands shall not be assessed higher than the lowest at which any belonging to the Inhabitants shall be assessed,' it is strange to

me you can possibly conceive them to be ambiguous, or want Explanation. The only construction I can put upon them, or that they can bear without torturing, is, that if five, ten, or fifteen pounds is the lowest at which any such lands of the Inhabitants are assessed, none of the located uncultivated Lands of the Proprietaries shall be assessed higher.

"You, in your Bill and Messages, own that you conceive them in a different light. Under this contrariety of Sentiment, I have repeatedly proposed & requested of you to insert the very Words of these two Articles of the Decree in the Bill, not as you insinuate, because I hold the Terms of the decree Sacred, when, by other Words, you express the Sense & Meaning of the King and Council; but as it appears to me in this case to be the only expedient left to prevent the loss of this important Bill at a time when perhaps the Lives of many of our Fellow Subjects depend on the success of it.

"The Reason you assign for not coming into this Proposition, lest those who are to execute the law should understand this part of it differently, & vary in their mode of Taxation, will appear to me groundless, so long as I continue my opinion with respect to the Clearness & perspicuity of the Terms used in their Lordships report; Besides, you will please to consider, Gentlemen, that the Provincial Commissioners of Appeal, appointed in the Bill, are a standing Board, and will ultimately have the right of controuling the Acts of the Assessors, and of Judging & Settling any Disputes of this kind, and any Supposed triffling inconveniences of this Nature, which I cannot think will ever happen, ought not to be put in Competition, either with the Safety and Security of the Province or blood of His Majesty's brave Subjects, which may be Spilt on the Frontiers for want of a Law to provide for their Protection and Defence. I therefore once more return you the Bill, and most cordially entreat you to accede to the measure of inserting in it the very Words of the two Articles before mentioned.

"JOHN PENN.

"March 23rd, 1764."

—

The several Bills which had received the Governor's assent, having been engrossed and compared, the Governor, by the Secretary, required the attendance of the House in the Council Chamber, that he might Pass them; The House accordingly attending, the Speaker presented to the Governor the four following Bills, which His Honour enacted into Laws, and signed a Warrant for affixing the Great Seal thereto; They were afterwards Sealed and deposited in the Roll's Office, viz^{t}:

"1. A Supplement to the Act entitled 'An Act for taking Lands in Execution for the payment of Debts, & for confirming partitions in several Instances heretofore made.'"

"2. An Act for the payment of £10,947 Sterling, in certain Proportions, to the several Colonies in America."

"3. An Act for the relief of Samuel Wallis, a Prisoner in the Gaol of Philadelphia, with respect to the Imprisonment of his person;" and

"4. A Supplement to the Act entituled 'An Act for the better settling Intestate Estates, and for Repealing one other Act of General Assembly of this Province, entituled 'An Act for amending the Laws Relating to the Partition & Distribution of Intestates Estates.'"

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Saturday, 24th day of March, 1764.

In the Evening two Members of Assembly waited on the Governor, and delivered him the following Message, acquainting him at the same time that the House intended to adjourn to the fourteenth of May next:

A Message to the Governor from the Assembly.

"May it please your Honour:

"We have considered your Honour's Message of Yesterday afternoon, sent down to us with our Supply Bill, & are extremely concerned to find, that notwithstanding His Majesty's Service, and the present Situation of our Affairs, which you well describe in the first lines of the Message, do so plainly mark the Utility and Necessity of passing that Bill, yet, it must, you are pleased to say, be rejected.

"We are sensible that your Honour did make, to a former Bill, the Objection you mention, concerning the incidental Charges, but as the House long since dropt that Bill, & out of Zeal for the Service, broke through their Rules, & in the same sitting, prepared & presented another Bill free from that Objection, we cannot conceive why it is repeated here, unless to swell in appearance, the number of supposed faults in the present Bill, with which it has nothing to do.

"It obliges us now, however, to explain that matter. The incidental Charges of the current Year are well known, and cannot be, as your Honour unkindly says, "everything that the Assembly shall please to certify to be such" The sum they may amount to, is not indeed, so certain, varying a little in different Years, but was always, and must be small, compared to the sum granted in the Bill. The Course relating to them, even since the Order of Council, has been for the Governor to request an Estimate of the particulars, and for the House to give it as near as they could; and his passing the Bill after receiving such Estimate, was understood, both by him & the House, to be his consent to that Application, and those Issues. The Clause was inserted in Compliance with that practice,

and your Honour might, and would have had the Estimate as soon as it could be prepared, on the least Intimation; but, it seems, you were better pleased with the opportunity you supposed it gave you, of making some Charge against us, as contravening the fourth Article in the Order of Council, viz^{t}: "That the Governor's consent & approbation be made necessary in every Issue and Application of the public Money." It was a matter of so small Consequence that we did not think it worth a word of "Controversy" at such a time, and therefore, in the new Bill, totally dropt the Clause, leaving those incidental Charges to be provided for in some other way we might afterwards agree upon, but your Honour chuses to repeat the Accusation, though now so evidently out of time.

"You are pleased to say, you know of no other certain Rule of judging of the Intentions of another than by the plain import of the Words made use of to convey them. We beg leave to point out another rule, and We think a better. Laws and Ordinances, tho' composed by the Wisest men, in Councils and Parliaments, practised in using the greatest Clearness and Precision, are sometimes found to contain Obscurities & Uncertainties, which those who are to execute them find difficult to clear and settle. It is no Reflection on such Bodies to say this;—Every thing human is Subject to Imperfection;—But where the Words are by Construction capable of two opposite Meanings, the one manifestly unjust and unequal, and the other perfectly consistent with Justice and Equity, we conceive it a good rule to judge that the intention is with the latter. Respect to the Body forming such Law requires it—Common Candor demands it. Now, in the present Case, the Intention of the Lords of the Council in certain Words by them made use of, is to be judged of by your Honour and the Assembly. In order to form a Law agreeable to them, The House, in the Bill, put a Construction on them conformable to common Justice and Equity. Your Honour was pleased to tell us that the Words have a very different meaning, but for some time refused to say what you conceived that Meaning to be, insisting on our using the very Words, without Explanation. It was not till after three Messages, requesting your Honour's judgment of that meaning, and several days spent in our Endeavours, that we have been able to obtain it, and now that we have it, and consider it, do not wonder it should be so long refused. It is at length this, 'That if five, ten, or fifteen Pounds, is the lowest at which any such [i. e. located uncultivated] Lands of the Inhabitants are assessed, none of the located uncultivated Lands of the Proprietaries shall be assessed higher.' Had we been fortunate enough to have used these words in our Bill, we now have reason to believe your Honour would not have referred us back to the verry Terms of the Report, and insisted that any Amendments or additions of ours would rather tend to perplex than explain those Terms. But your Honour must know that many of the located uncultivated Lands belonging to the In-

habitants cannot, from the Nature of them, be, in Justice, assessed higher than five Pounds per hundred Acres, while the best of their Lands must, by the Law, be assessed at Fifteen Pounds; And can your Honour think it just that because the worst and least Valuable of the people's Lands are Rated at five Pounds, the best and most valuable of the Proprietaries' Lands should be assessed no higher, when it is well known they select and locate the best in every new purchase before the people are allowed to take up any. Your Honour will not say this, because it is inconsistent with all our Notions of common Honesty. The same modesty which so long prevented Your Honour's confessing to us your opinion of the meaning of those words in the Order of Council, will prevent your insisting on the meaning as a just one; And for our parts, we dare not put so iniquitous a Construction on their Lordship's words—Respect and Decency forbid it.

"Your Honour tells us that you cannot, 'consistent with your Duty,' pass this Bill. If Duty to the Crown is meant, can your Honour seriously attempt to persuade us that the Crown will be offended with a Proprietary Governor, for giving up an unjust Proprietary Claim to partiality in Assessments, in favour of Proprietaries private Estate, where no point of Government or Prerogative of the Crown, is concerned? But perhaps your Honour means Duty to the Proprietaries, as your Honoured Father & Uncle; if so, we must allow that Duty well supported and enforced by your own private Interest, for such a partiality in favour of Proprietary Estates, must not only be extremely agreeable to the present Possessors (from our acquaintance with them for some Years past, we speak it), but, if it can be established, will be highly advantageous to their Posterity.

"Your immediate Predecessor, Governor Hamilton, assured a former Assembly that 'nothing was further from his Thoughts, than to desire that the Proprietaries Estate should be exempted from paying a proportionable part of the Supplies for the current Service,' and 'that it was of the Essence of free Governments, that the money raised for public Services should be assessed equally upon all Ranks and Conditions of Men, otherwise the highest Injustice may be committed under the Sanction of Law.' There seems now some Reason to apprehend that these equitable Sentiments of that Gentleman might possibly have a Share in occasioning his removal; and we Shall not wonder if your Honour, from a nearer connection with the Proprietaries, has imbibed others extreamly different.

"The Inconvenience we mentioned that might arise from the Assessors of the different Counties, differing in their Opinion of the Meaning of the terms you require in the Bill, your Honour apprehends will be removed by means of the Provincial Commissioners of Appeal, which we own we do not see. The Assessors of different Counties may not only fall on different modes of Taxation,

as they differently understand those unexplained Terms, but should half the Assessors in one County understand them one Way, and the other half the other, no Tax can be laid, or Money raised, in that County till they agree. The Provincial Commissioners of Appeal, too, being nine, and five of them a Board, three of which can determine, may, being of different Opinions, give different Judgments at different Sittings, as often as three, the Majority of a Board, happen to be taken from those who are of one or the other Opinion; besides, though the Assessors below should, from a right understanding of the unexplained Words, act rightly, if the Provincial Commissioners, for want of Explanation, understand the Words in a wrong sense, they may, on Appeals, overthrow every right Assessment in the Province. In short, we conceive that much Confusion must arise from the using of Terms in a Law that the Governor & Assembly both declare they understand so differently. We may both be separately clear in our Conceptions of their meaning, but our differing so widely in those Conceptions, seems to indicate at least some ambiguity or Obscurity in the Terms; and we believe this is the first time that ever the enacting an Obscurity in the Law was insisted upon, in hopes that some who were to execute it, might possibly see more clearly thro' it than the Legislature themselves.

"Your Honour is pleased to profess great Concern for the 'safety and security of the Province, and for the blood of his Majesty's brave Subjects, which may be spilt on the Frontiers, for want of a Law to provide for their protection,' and yet refuse to pass this Bill, unless gross partiality in taxing is established by it in favour of the Proprietary Estates.

"You have twice told us 'that you are not unacquainted with the long & various Contests on this Subject, that have been agitated between the Legislative Branches here, nor with the Evils and Miseries which were entailed on the Frontier Inhabitants by those Disputes.' As you must then know that those Contests arose solely from Proprietary Injustice, you cannot be ignorant to whom all those Evils and Miseries ought to be imputed, And on a little further reflection, will find that you do really 'flatter yourself,' as you well express it, when you imagine that none of the ill Consequences which may ensue from the failure of this Bill, can justly be imputed to you. Your Honour has refused to pass at present, and our Affairs lay us under a necessity of making an Adjournment; but we now acquaint you, that the Bill continues to lie ready for your Assent, and that we shall chearfully return on your Summons whenever, upon more mature Consideration, you shall find yourself willing to enact it into a Law. In the meantime, if any ill Consequences ensue from the Delay, they will undoubtedly add to that load of Obloquy & Guilt the Proprietary Family is already burdened with, & bring their Government (a Government which is always meanly making use of public Distress, to extort something

from the people for its own private Advantage), into (if possible), still greater Contempt.

"For our own parts, we consider the Artifices now using, and the Steps taking to enflame the Minds of unthinking people and excite Tumults against the Assembly, as concerted with a view to awe us into Proprietary Measures. But as these Seats were given us from no Solicitations of ours, and as we have no private Interest to serve by retaining them, nor any pleasure in the Possession of them, we are very willing to quit them whenever our Constituents think proper to relieve us, by chusing other Representatives, which our annual Elections give them frequent Opportunities of doing. And for the present Safety of the Persons and Properties of the good People of this Province, since the Governor will not pass the equal Militia Bill we offered him, but upon Terms of great Addition to Proprietary power, which we hope and are persuaded no future Assembly will agree to, we must for the present depend on ourselves and our friends, and on such protection as the King's Troops can afford us, which we hope, by the Blessing of God, will be sufficient to defend us till his Majesty shall graciously think fit to take this distracted Province under his immediate Care & Protection.

"Signed by Order of the House,

"ISAAC NORRIS, *Speaker.*

"March 24th, 1764."

—

New Castle, Monday 26th March, 1764, P. M.

The Governor received a verbal Message from the Assembly, by three Members, that the House had met on the 20 Instant, pursuant to their Adjournment, & had proceeded upon Business agreeable to his Honour's desire, intimated to the House by a Letter to the speaker, and that they desired to know if the Governor had anything to lay before them; To which his Honour made answer that he had nothing in particular to recommend to them at present, but to go on with the Business they had begun, which he hoped would be in his power to finish to their Satisfaction.

—

Tuesday, 27th March, 10 o'clock, A. M.

The Governor acquainted the House, by the Secretary, that he proposed to speak to them this forenoon, and desired their attendance for that purpose at his Lodgings at 11 o'Clock. The Speaker and the whole House attending accordingly, the Governor made them a speech, which follows in these words:

" *The Speech of the Honourable JOHN PENN, Esquire, Lieutenant Governor of the Counties of Newcastle, Kent, and Sussex upon Delaware, and Province of Pennsylvania, To the General Assembly of the said Counties.*

Gentlemen :

"The Honourable Proprietaries having been pleased with His Majestie's Royal Approbation, to appoint me to the Government of the Counties of Newcastle, Kent, and Sussex, on Delaware, I am glad of this opportunity of Meeting in Assembly the Representative Body of a people who have on all Occasions distinguished themselves by their Zeal for the Service of their King & Country, & their regard and affection for the Proprietary Family.

"As I have nothing at present in Charge from the Crown to lay before you, nor from the Proprietaries, but to assure you of their particular Esteem, and that it will give them a sensible pleasure to promote the Welfare and Happiness of the good people of this Government, I shall now only recommend it to you, Gentlemen, to consider of and prepare such Bills as you, from your Experience & Knowledge in publick affairs, judge useful and necessary for your Constituents; The Harmony and good Understanding, which have so long and happily subsisted between the Legislative Branches here, have principally been owing to a due and constant attention to the civil and Religious Rights of the People, without attempting to invade the Royal prerogative, or trample on the just Rights of Government; While you continue (as I doubt not you will) to act on these wise principles, you may be assured that you cannot be more Ready in asking than I shall be in granting any thing that can tend to the Peace, Security, and Happiness of this Government.

"March the 27th, 1764."

—

Tuesday, 27th March, 12 o'Clock, A. M.

The Assembly, by three Members, sent to the Governor for his perusal and Concurrence, a Bill entituled "An Act for suppressing Idleness, Drunkenness, & other Debaucheries, within this Government."

—

Wednesday, 28th March.

Three Members waited on the Governor and acquainted him that the House had prepared an address, which they intended to present to His Honour, and desired to know when he would be pleased to

receive the same. The Governor answered that he would be ready for that purpose immediately.

The House having accordingly waited on the Governor at His Lodgings, the Speaker delivered an Address to his Honour in the following Words, viz^t^:

An Address of the Assembly in Answer to the Governor's Speech.

"May it please your Honour:

"We, His Majesty's dutiful and Loyal Subjects, the Representatives of the Freemen of the Government of the Counties of New-Castle, Kent and Sussex, upon Delaware, do, with all imaginable Chearfulness, Return your Honour our most humble Thanks for your Kind & affectionate Speech to this House.

"We beg leave to embrace this first opportunity to congratulate your Honour on your Appointment to, and safe arrival in this Government; and to assure your Honour that a Gentleman of your good Character, and one so nearly related to our worthy and honourable Proprietors, being chosen the Successor to our late Governor, Mr. Hamilton, whose mild and just administration had greatly endeared him to the good People we Represent, give us the greatest Pleasure.

"The Assurances our Honourable Proprietors are pleased to give us of their approbation of the Conduct of the Representatives of the People of this Government heretofore, and of their Esteem for and desire to promote the Welfare and happiness of our Constituents, afford us a very singular Satisfaction, and must be very agreeable to them. We hope always to act in such a manner as to merit the continuance of their good Opinion.

"We acknowledge ourselves under the greatest Obligations to your Honour for your promises of a careful and diligent administration for the publick good, which we think ourselves sufficiently secured of by your kind Engagements and good disposition; And confess with the greatest joy, that you have assured us of all we can wish, and Recommend to us all we ought to desire, and we doubt not your good Intentions will procure yourself & the people you preside over, the greatest Happiness during your Government.

"Permit us, Sir, in Return, to declare our Steady & constant Resolutions to support equally the Royal Prerogative and the Rights and Liberties of the Subjects, to the utmost of our Power; to preserve that Harmony and good Understanding between the Legislative Branches here, which is so essentially necessary for the Dispatch of Business, and to make your Administration easy and agreeable.

"Signed by order of the House,

"JACOB KOLLOCK, Speaker.

"March 27th, 1764."

To which the Governor was pleased to Return the following Answer:

"Gentlemen:

"I am much obliged to you for this Kind and Affectionate Address. The Resolutions you have taken to support the Prerogative of the Crown, as well as the rights and Liberties of the Subject, will justly Recommend you to His Majesty's Favour, As you may be assured it will give me a particular Satisfaction, at all times, to cooperate with you in promoting the Welfare and prosperity of this Government."

—

Eodem Die, A. M.

The House presented to the Governor for his Concurrence a Bill entituled "An Act appointing new Trustees for the Sale of Lots in the Town of Dover."

—

Thursday, 29th March.

A Bill entituled "An Act for the more easy and speedy recovery of Legacies," was sent to the Governor for his perusal and concurrence.

—

Friday, 30th March.

The House sent to the Governor, for his Concurrence, three Bills, entituled as follows, viz':

"An Act appointing new Trustees for the Several General Loan Offices of this Government."

"A Supplement to an Act entituled 'An Act entituled 'An Act for Banking and Draining a quantity of Marsh in the County of New Castle, commonly called Cherry Island Marsh."

"A private Act for the embanking of the Marshes and Cripples on Hangman's Creek, in Appoquinimink Hundred, in New Castle County, &ca."

—

Saturday, 31st March.

The Assembly sent up two Bills for the Governor's Concurrence; one entituled "A Supplement to the Act entituled 'An Act for the

better regulating of the Supream Court within this Government, & for aiding the discontinuance of the process therein;" And the other "A Supplementary Act for the Amendment of an Act entituled 'An Act for the better regulation of the Roads in Newcastle County.'"

The Governor, by the Secretary, Returned to the House the Eight several Bills sent up for his Concurrence, which are entituled as follows, with his assent to the first four, and a few Amendments to the four latter, viz^{t}:

1. "An Act for Suppressing Idleness, Drunkenness, and other Debaucheries, within this Government."
2. "An Act appointing new Trustees for the sale of Lots in the Town of Dover."
3. "An Act for the more easy and Speedy recovery of Legacies."
4. "An Act appointing new Trustees for the Several General Loan Offices of this Government."
5. "A Supplement to an Act entituled 'An Act for banking and draining a Quantity of Marsh in the County of New Castle, commonly called Cherry Island Marsh.'"
6. "A private Act for the embanking of the Marshes & Cripples on Hangman's Creek, in Appoquinimink Hundred, in New Castle County."
7. "A Supplement to the Act entituled 'An Act for the better regulation of the Supream Court within this Government, and for aiding the discontinuance of the Process therein;'" And
8. "A Supplementary Act for the Amendment of an Act intituled 'an Act for the better regulation of the Roads in New Castle County.'"

—

Eodem Die, P. M.

Three Members waited on the Governor and acquainted him that the House had acceded to his Amendments to the Four Bills.

The Governor in the Evening required the attendance of the Speaker & the House, in Order to pass the said several Bills. They accordingly attended, & the Speaker presented the Eight Bills before mentioned, which the Governor enacted into Laws, and signed a Warrant for affixing the Great Seal thereto. The Speaker then acquainted the Governor that he was directed by the House to return their Thanks to His Honour for the great dispatch he had given to their Business; and at the same time delivered him, as a present, Orders on the Trustees of the General Loan Offices, for £200.

At a Council held at Philadelphia, on Wednesday, the 11th April, 1764.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Richard Peters, William Logan, } Esq^rs.
Thomas Cadwalader, }

The Governor informed the Board that the Commissioners had made Application to him by the Secretary to take immediate Measures for the removal of the Indians now in the Barracks here, and send them to Sir William Johnson, or elsewhere, for that the maintenance of them here was found to be a very heavy expence to the Province, and that if they are not permitted to go into their own Country, in order to plant Corn and make provision for their future Subsistence before the Season is too far advanced, it would be incumbent on us to support them till next Spring at the public Expence.

His Honour therefore proposed this matter to the Consideration of the Council, and laid before them several Letters which he had received in answer to what he had wrote to Sir William Johnson on this Subject, viz^t: Sir William Johnson's Letter dated 27 February, 1764; Gov^r Coldens of the 25 March last, inclosing Minutes of the Council Board at New York of the same day, and a Letter from General Gage, dated the 9 of March, which last was ordered to be entered on these Minutes, and follows in these Words, viz^t

A Letter from General Gage to the Governor.

"New York, March 9th, 1764.

"Sir:

"I take the Liberty to give you my Sentiments about the disposal of the Indians at Philadelphia, whom you had thoughts of sending up the country to their own homes; such a measure in Our present circumstances might prove greatly Prejudicial to our Affairs. The resentment of those Savages must be Strong against us for the miserable Fate of the poor Wretches who were murdered at Lancaster, and for the attempt made on their own Lives; tho' they have been so kindly treated by the Government of Pennsylvania, it's to be feared that Revenge for the injurys received from the people will out weigh the Gratitude they owe the Legislature, for the care and protection afforded them, and they might set this affair in such a light before the Six Nations, as would make a change in the present good disposition of those Indians towards us, which at present is as friendly as we can wish or expect. Those Savages are now in our power; they are a sort of Hostages for the behaviour of their Nations, and effectually prevented from doing Mischief

themselves. If the retaining them at Philadelphia should make you apprehend further Insurrections amongst the Inhabitants, I make no doubt that Governor Franklin would Receive them in the Jerseys, & by placing them in the Barracks at Burlington, they would be removed out of the way of the People of Pennsylvania, and proper care be taken of them.

"I have the pleasure to acquaint you that a party of our Friendly Indians, meeting with a body of Delawares, on the main branch of Susquehanna, on their way against some of our Settlements, they surprized the Delawares in their Camp, and made the whole Prisoners, to the number of Forty-one, After which they bound them, & sent them, under an Escort, towards the Mohock River.

"When your Assembly shall have settled the Supply Bills, I shall be glad to hear from you the first opportunity.

"I am, with great Regard, Sir,

"Your most Obedient humble Servant,

"THO^{s} GAGE.

"Hon'ble Lieut^{t} Gov^{r} PENN."

The Governor, thereupon, desiring the Opinion of the Council, they advised him to call a Meeting of the Commissioners to-Morrow Morning, and after laying before them the Said Letters, ask them (as it appears by that from Gen^{l} Gage to be his Sentiments, that the Indians should be still kept here under the Protection of this Government), whether they are willing to defray the Expence of their further maintainance, if he should think it necessary to continue them here a longer time, and afterwards, that his Honour would take his Measures accordingly.

—

24th April, 1764.

MEMORANDUM.

The Governor was acquainted that the Courts of Quarter Sessions and Common Pleas were to be held at Lancaster, the 1st Tuesday in May next; and at Reading, for the County of Berks, on the Tuesday following, and that in the latter there was a necessity of increasing the number of Justices, there being but eight in the whole County, of which only one lived in the Town of Reading; His Honour, therefore, this day issued two separate General Commissions of the Peace under the Great Seal, the one appointing the following Persons Justices of the Peace & of the Common Pleas of and for the County of Lancaster, viz^{t}:

"Emanuel Carpenter,	Calvin Cooper,	Esquires.
"Isaac Saunders,	Adam Reed,	
"Edward Shippen,	Tho'. Foster,	
"William Jevon,	James Burd,	
"Adam Simon Kuhn,	Isaac Richardson,	
"Robert Thompson,	John Hay,	
"Andrew Work,	Zaccheus Davis,	
"Jn°. Allison,	W^m. Hamilton,	

"James Hamilton,
"William Till,
"Benjamin Shoemaker,
"Lawrence Growden,
"Joseph Turner,
"William Logan,
"Richard Peters,
"Lynford Lardner,
"Benjamin Chew,
"Thomas Cadwallader,
"Richard Penn,
} Esquires, Members of Council."

In the other Commission, the following Persons were appointed Justices of the Peace and of the Common Pleas of and for the County of Berks, viz^t:

The Members of the Governor's Council as before; &

"Jonas Seely,	Thomas Rutter,	Esquires."
"William Maugridge,	Jacob Morgan,	
"Peter Spyker,	James Deimer,	
"Jacob Levan,	John Patton,	
"James Read,	George Douglass,	
"George Webb,	Henry Christ,	
"Joseph Millard,		

At a Council held at Philad^a. on Friday the 27th April, 1764.

PRESENT:

The Honourable JOHN PENN, Esq^r. Lieuten^t. Governor.

William Logan,	Thomas Cadwalader,	Esq^rs.
Benjamin Chew,	Richard Penn,	

The Governor laid before the Board the Records of Conviction of three Persons for Burglary at a Court of Oyer and Terminer, and General Goal Delivery, held at Philadelphia on Tuesday the 10th day of this instant, April, before William Coleman and Alexander Stedman, Esquires, two of the Justices of the Supream Court, which were certified by the Clerk of the said Court, and it appears

by one of the said Records, that on the twelfth day of this Instant, April, William Frederick Handenreid was tried and convicted of Felony & Burglary, committed in the House of Thomas Clifford in the City of Philadelphia, the 28 day of February last, and had received Sentence of Death for the same; By another of the said Records it appears that on the thirteenth day of this Instant, April, John Williams, otherwise called John Hines, was tried and convicted of Felony and Burglary, committed in the House of William Johnson, in the said City, the 1st July, 1763, and had likewise received sentence of Death for the same; and by the other of the said Records, it appears that on the 17 day of this Instant, April, John Brinckloe, otherwise called John Benson, was tried and convicted of Felony and Burglary, committed in the House of Lydia McCall, in the said city, on the 10 day of February last, and had also received Sentence of Death for the said Crime.

It being considered that the Inhabitants of the City have been put into great Terror on account of the late Robberies, and the Justices of the Supream Court not having reported any Circumstances in favour of either of the said Criminals, nor said anything in their behalf, the Governor signed three separate Death Warrants under the Lesser Seal, for their Execution on Saturday the 5 of May next.

At a Council held at Philadelphia, the 9th of May, 1764.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}.

Richard Peters, Benjamin Chew, Lynford Lardner, Thomas Cadwalader, } Esq^{rs}.

The Examination of Doctor W^{m} Frederick Autenreit (or Handenreid), one of the Three Criminals now under Sentence of Death in the Gaol of Philadelphia, taken the 4th Instant before the Mayor, was read, & being duly considered, the Council were of Opinion that there was some reason to doubt the Truth of several matters it contained, and therefore advised the Governor to issue a Warrant to respit the Execution of Brinckloe for another Week, but that he be carried with the other two, Autenreit and Williams, to the Gallows on Saturday next, and there treated as if all three were to be executed; and that when the other two are executed, Brinckloe should be taken away from under the Gallows, and carried back to Gaol, to wait the Governor's further Consideration of the matter, particularly Autenreit's, persisting or not in his Acquittal of said Brinckloe, in his Confession or Declaration at the Gallows, before his Execution; And it is so ordered accordingly by the Gov^{r} and that on Delivery of the Warrant to the Sheriff, for respiting

the Execution of Brinckloe, he be enjoined Secrecy with respect to the Warrant till the other two are executed.

The Draught of a Charter for incorporating Trustees for New-Castle County, was read and referred to a further Consideration.

—

Wednesday, 16th May, 1764, A. M.

Two Members of Assembly waited on the Governor and acquainted him that the House had met according to Adjournment, & desired to know if he had any Business to lay before them; to which His Honour made answer, that whatever matter he had to recommend to them, he should communicate to the House by the Secretary Sometime to-Morrow.

—

Thursday, 17th May, A. M.

The Governor sent by the Secretary a written Message to the House, which follows in these words, viz^{t}:

A Message from the Governor to the Assembly.

"Gentlemen:

"The Adjournment of your House, immediately on the delivery of your Message of the 24th of March last, deprived me of an opportunity of answering it till your present Meeting, and as I am not fond of Contention, and was sincerely disposed to cultivate Harmony and a good Understanding with you, I am verry sorry that the unwarrantable Freedom with which you have treated not only my Character, but those of the Proprietaries themselves, and the unfair state which I apprehend you have made of the late dispute between us respecting the Supply Bill, will not now suffer me to let that Message pass unnoticed.

"As Facts are stubborn things, and truth does not stand in need of any Colouring or Disguise, nothing is more necessary, in order to set the controversy between us in its true light, than to take a short and summary Review of the Transactions which gave rise to it.

"In the Year 1760 an Act of Assembly of this Province, by which Supplies were granted to His late Majesty, was declared by the King, in Council, to be fundamentally wrong and unjust, in six several Articles, and therefore about to be repealed. Upon this Mr. Franklin (now a Member of your House) and Mr. Charles, who were your Agents in England, Solemnly engaged, on the part of the Assembly, that the House should, by a new Bill, amend the said

Act, and make it conformable to the written Articles in the report of the Lords of the Council, if His Majesty would be graciously pleased to suffer the Act to remain unrepealed. Confiding in this Engagement, the King suspended the Repeal of the Act, and the Agents signed a Stipulation, entered in the Council Books, of the import above mentioned. Till the present Bill made its Appearance, the Assembly never would agree to comply with the Stipulations of their Agents as to any one of the Articles in the Decree, notwithstanding they were frequently pressed to it by my predecessor. At length you thought proper to make your Bill correspond with four of the said articles, and strenuously insisted that you had inserted in it the true Sense and Meaning of the other two also. In this I was so unfortunate (or, as you seem to think, criminal,) as to differ in judgment with you. On considering the two Articles of the decree, the words of which I at first conceived, and yet am of Opinion are so clear and explicit as not possibly to admit of a double Construction, and comparing them with your Bill, I found you had explained away the meaning of them by a Clause directly contrary to the plain import of the terms made use of by the King in Council. As a Colour and pretence for so strange a Conduct, you were happy enough to discover that Laws and Ordinances, though composed by the wisest Men, in Councils and Parliaments, practised in using the greatest clearness and precision, are some times found to contain Obscurities and Uncertainties, and that every thing human is subject to imperfection, and conclude modestly, with making the Application to the controverted Articles in the Decree, which, you contend, require Additions and Explanations to be made to them by you to Reconcile them to common Justice & Honesty. Give me leave, here, Gentlemen, to ask you a few Questions. Were not learned Council employed and fully instructed by the Agents aforesaid, on the part of the Assembly, to advocate the Supply Bill of 1759? Were not those Counsil twice fully heard before the Lords of Trade and the King and Councel antecedent to the Decree? Did not the Agents understand the Force and Meaning of the Strong and expressive words of the second and third Articles, previous to their signing the Stipulation above mentioned? If they entertained a notion that they were ambiguous, why did they not then object to them when they might have had their doubts removed upon the Spot? As your House is principally composed of the same Members now, as have been the Representatives of the People of this Province for many Years past, why were not the Objections lately made against those parts of the Decree pointed out and urged to Mr. Hamilton, as reasons for not coming into the measure, when he repeatedly sollicited you to comply with the Stipulations of your Agents? A Controversy on those points, then, would have been productive of none of the fatal consequences which now threaten us, as other means than those of a Land Tax, were fallen on to raise Supplies,

and the matter, long before this Time, would have been settled on the other side of the Water. On the Contrary, why have these Objections been treasured up and kept in Reserve till this critical period, when we daily expect a renewal of the Incursions of the Savages on our Frontiers, and our back Inhabitants must be left destitute and defenceless, an easy prey to their Enemies, without Supplies are raised for their Protection?

"As to the Equity and Justice of the decree, I should think I justly subjected myself to the Charge of offering the highest affront to, and flying in the Face of that Supream and august Judicatory who pronounced it, were I to enter into any Arguments with You in support of it. It will not, I presume, be denied, that the King, in Council, has a legal & constitutional power of judging, and finally determining the fate of all Laws passed by the Legislature here. They have exercised that Jurisdiction on a Bill of a similar Nature with that you lately presented to me, and have laid down certain Rules in their Decree, on which others ought to be found for the future. You will excuse me in saying that I cannot, reasonably, or with Decency, suppose that you were either ignorant of the Real merits of the Subject they undertook to judge upon, or that they meant, or intended any thing more or less than they have been pleased, plainly to express in their judgment. While that decree, therefore, remains unreversed, I am, and shall always think myself indispensably bound, in Duty, not to vary from it, though it should, or should not, immediately Relate to the Prerogative only.

"In a former Message I alledged that I knew of no other certain rule of judging of the Intentions of another, than by the plain import of the Words made use of to convey them; But, in your last Message you are pleased to tell me that you beg leave to point out to me another Rule, and you think a better, which is, that where Words are, by construction, capable of two opposite Meanings, the one manifestly unjust and unequal, and the other perfectly consistent with Justice and Equity, you conceive it a good Rule to judge that the intention is with the latter; Your manner of Reasoning in this Instance, I confess, appears to me as extraordinary as in most other parts of Your Message. The rule I laid down, is expressly confined to the case where the Words made use of are plain and clear; and in order to establish a better Rule in its stead, you shift the Question, and state a different Case, where the words are not plain, but ambiguous, and admit of a double Construction.

"To close this disagreeable Subject, Gentlemen, I comfort myself with the Solid Reflection, that in order to forward His Majesty's Service, and to avoid further Debate respecting the meaning of the Decree, and facilitate the passage of a Bill so necessary for the security of the Province, I have made you the only proposal in my Power, consistent with my duty to the Crown, namely, to insert in the Bill the very words of the Second & third Articles of the Decree, and let the Assessors judge of the Sense of them in the first

instance, Subject to the controul of the Provincial Commissioners of Appeals, if they do wrong. The Objections you were pleased to make to this were, that the Assessors of the different Counties might differ in their Modes of Taxation, or might be equally divided in their Opinion upon the Construction of the Words of the Decree, and so no Tax be laid at all; or, even if they should act rightly, the Commissioners of Appeals might understand the words in a wrong Sense, and overthrow every right Assessment in the Province. I shall only observe, that in support of your Cause, you are compelled to carry your Suppositions a great way, indeed, far beyond the Bounds of Probability or Reason, in a case which appears to me, as I have often said, plain beyond a doubt.

"As to the abuse and Obloquy which you have taken the liberty, with so lavish a hand, to bestow on the Proprietaries in your last Message, and the Censures you have passed on my Conduct (for no other Reason than that I have esteemed it my Duty to yield Obedience to the royal Decree) they are groundless and without any just Foundation; therefore I shall pass them over with the silent Disregard they deserve. The Rules of good Breeding will always restrain me from retorting on you in the same way; And a Steady resolution to discharge the Station I have the Honour to fill with fidelity and Justice to the good people of this Province, will, I trust, never suffer any Affronts that may be offered me to influence my Administration, or interfere with the public Welfare.

"I cannot conclude, Gentlemen, without once more recommending it to you to considering, with that Temper and Moderation which is so essentially necessary to publick Councils, in what manner Supplies may be best raised, not only to answer the purposes for which they were demanded by General Gage at your last Meeting, but also to keep up a Sufficient Force to guard the Frontiers, and pay the large Arrears already due to the Troops who have been employed on that Service.

"JOHN PENN.

"May 17th, 1764."

—

Friday, 18 May.

The House sent up to the Governor for his Concurrence, by two Members, the Bill entituled "An Act for granting to his Majesty the sum of Fifty-five Thousand, and for striking the same in Bills of Credit in the manner hereinafter directed, and for proving a Fund for sinking the said Bills of Credit by a Tax on all Estates, real and personal, & Taxables within this Province," which the Governor finding to be the same Bill to which he had refused his Assent during the last Session of Assembly, ordered the Secretary to return

it immediately, and acquaint the House that, having the same Objections to it as before, he could not agree to pass it.

At a Council held at Philad^{a} on Thursday, 24th May, 1764.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}.

James Hamilton, Lynford Lardner, } Esq^{rs}.
Richard Peters, Benjamin Chew, }

The Governor laid before the Board a Bill which the House of Assembly sent up on Friday last for his Honour's concurrence, entituled "an Act for granting to His Majesty the Sum of Fifty-five thousand Pounds, and for striking the Same in Bills of Credit in the manner herein after directed, and for providing a Fund for sinking the said Bills of Credit by a Tax on all Estates, Real and personal, and Taxables, within this Province," which being read and considered, it appeared that the Assembly had omitted to comply with the Stipulations of their Agents, by not inserting in the Bill a Clause to amend and alter the Supply Bills of the years 1759 & 1760, so as to make them conformable to the Royal Decree.

A Petition to the Governor from Richard Hockley and Edmund Physick, Esq^{rs}, was also read and is as follows:

"*To the Honourable JOHN PENN, Esquire, Lieutenant Governor of the Province of Pennsylvania, &ca.:*

"The Petition of Richard Hockley and Edmund Physick, receivers General of the said Province, Humbly Sheweth:

"That your Petitioners have heard that a Bill for granting to His Majesty the Sum of £55,000 was lately presented, and is now before your Honour for your Concurrence, in which it is required of us to render an account of the Proprietary Estate in the Several Townships and Counties throughout this Province, within the Term of Fifteen days after a certain List mentioned in the said Bill may be brought to us for that purpose.

"Upon which occasion, we beg leave to represent to your Honour our inability to perform this Duty, humbly conceiving the thing required impossible by any means in our power; this we presume will be manifest, more especially in respect to the Quit Rents, when you consider it Supposes us a knowledge of the particular Bounds of each County and Township within the Province, and of the names of Persons who possess particular Tracts of Land within those

Townships; These matters, it is true, are in general known to us upon the issuing of a Patent, which is entered when granted, with these several Circumstances, in the Patent Book, but in a Short time these Circumstances change. The Patentee sells his Land to other Persons without our knowing anything of the matter. The Townships get divided, and that district which was formerly called by one name, has now perhaps got several names; in like manner the Counties have been altered and divided, & new names applied to them. We hope, therefore, that these reasons will convince your Honour of the Impossibility of our forming such an Account as we apprehend may be expected of us by the Bill before you.

"Yet, though we cannot ascertain the particular Sum which should issue for quit Rents out of each Township, we are willing, to the utmost of our power, to prepare an account of the Yearly Quit Rents due to the Proprietaries from the Province, and other parts of their Estate likewise, but hope, in so difficult a work, that sufficient time will be allowed for the purpose, and that neither the Proprietaries nor ourselves may be liable to forfeitures for mistakes on inadvertencies. We, therefore, pray that your Honour will be pleased to represent these Sentiments to the House of Representatives, before you assent to the Bill.

"RICHARD HOCKLEY.
"EDMUND PHYSICK.

"May 24, 1764."

The Council, thereupon, advised the Governor to return the Bill to the House, with a Message, in writing, setting forth his several Objections thereto.

The Governor having received four petitions from the Inhabitants of Lancaster, York, and Northampton, addressed to the House of Pepresentatives, as well as himself, sent them by the Secretary to the House for their Consideration.

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Friday, the 25th May.

The Governor returned, by the Secretary, the Supply Bill, with the following Message to the House, & a petition from the Receivers General therein Referred to:

A Message from the Governor to the Assembly.

"Gentlemen:

"In the Supply Bill now before me, I expected that you would not only have thought proper to make it conformable to the Royal Decree, in the Rates and Assessments on which the sum given by it to his Majesty's use is at a future day to be

levied and raised, which is the immediate Objection of the Bill; but that you would have taken occasion to comply with the Stipulations of your Agents by inserting in it a Clause to alter and amend the Supply Bills of the Years 1759, & 1760, in such manner as to make them correspond with the said Decree, But as I observe you have omitted to do this, I now recommend it to you, or if to forward the Supplies you incline to frame a separate Bill to this purpose, I will chearfully concur with you in that mode. To this I hope for a speedy and explicit answer.

"I have herewith ordered to be laid before you a Petition presented to me Yesterday by the Receivers General, shewing the absolute impossibility of their being able to comply with the strict Letter of the Bill in returning a List of the Quit Rents Reserved in each County & Township, owing to the Changes and Divisions made in both since the Grants by which such Rents were reserved, at the same time professing their Readiness and desire to disclose and give a just and full account of that Species of Property in Gross, As I am persuaded it is not your intention to subject any one to penalties for not doing Acts which are out of their power. I recommend this matter also to your consideration & return you the Bill again, to give you an opportunity of altering it in both of the above particulars.

"JOHN PENN.

"May 25th, 1764."

At a Council held at Philad^{a} on Saturday, 26th May, 1764.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

James Hamilton, Benjamin Chew, } Esq^{rs}.
Richard Peters,

The Supply Bill being returned by the Assembly was again taken into Consideration, and the Governor laid before the Board a Message which he received with it yesterday from the House, in the following words, viz^{t}:

A Message to the Governor from the Assembly.

"May it please your Honour:

"In your verbal Message of the 19th March, and several other Messages, you were pleased to recommend it to the House to make the Supply Bill then returned, conformable to the Decree of His Majesty in Council relative to the Taxation of the Proprietary located unimproved Lands and Lots, after which you would readily pass it into a Law.

"This the House have strictly complied with in the present Bill, from an earnest desire that His Majesty's Service should not be longer obstructed, and yet your Honour has, in your Message of this day, been pleased to start two objections, both of them new, notwithstanding the parts of the Bill objected to have been repeatedly and long before you. And as these objections do not appear to us justly founded, we have returned the Bill, and request your Honour would give your assent without further delay to the same, that the important Service for which the Supplies are intended may not be frustrated from the lateness of the Season.

"Signed by order of the House.

"ISAAC NORRIS, *Speaker.*

"May 25th, 1764."

The said Message being read, it appeared that the House had given no answer to the Governor's Questions in his Message of Yesterday, Respecting their compliance with the Stipulations of their Agents. The Council therefore advised the Governor to repeat his Questions to the House, and desire a possitive answer to them before he should come to any resolution on the Supply Bill. His Honour accordingly directed the Secretary to carry the following Message to the House.

A Message from the Governor to the Assembly.

"Gentlemen:

"In my last Message I desired you would give me a speedy and Explicit answer, whether you would or would not amend the present Supply Bill, or frame a separate one, in compliance with the Stipulations of your Agents, so often mentioned and recommended to you, of which you have not taken the least notice in your Message of Yesterday. I now most earnestly renew that request, it being absolutely necessary to have Your answer to this question before I can determine on the Supply Bill now before me.

"JOHN PENN.

"May 26th, 1764."

A. M. Eight Members of Assembly waited on the Governor and acquainted him that Isaac Norris, Esq^r^ the late Speaker of the Assembly, had informed the Members by a Letter of this Morning, that the present State of his health would no longer admit of his attendance on public Business, and that therefore the House had made choice of another Speaker in his stead, and desired to know at what hour this afternoon the Members might wait on the Governor to present him. To which His Honour made answer that he would be in the Council Chamber for that purpose at 5 o'Clock in the Afternoon.

Eodem die, P. M.

The Governor sent a Message by the Secretary to the Assembly Requiring their attendance in the Council Chamber that they may present their Speaker. The whole House accordingly waited on the Governor & presented Benjamin Franklin, Esq^r^ as their Speaker, of whom his Honour was pleased to approve. The Speaker then said, as his Predecessor had already claimed in behalf of the present Assembly their unusual Privileges, it was unnecessary for him to renew that Claim, except with regard to himself as Speaker, viz^t^ : "That his unwilling mistakes might not be imputed to the House," in which the Governor acquiesced.

At a Council held at Philadelphia, Tuesday, 29th May, 1764.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

James Hamilton, Lynford Lardner, } Esq^rs^
Benjamin Chew, Richard Penn, }

The Governor laid before the Board a Message he received from the House Yesterday Morning, in the following words, viz^t^

A Message to the Governor from the Assembly.

"May it please your Honour:

"In answer to your Message of this day, we beg leave to observe that in Compliance with the General's Requisition, we have voted the number of Men demanded for the Service of the Crown, and have prepared a Bill for their Support, strictly conformable to the Stipulations entered into by the Agents of this Province, which Bill is now before, & we again request Your Honour would, without delay, give your assent thereto, it being so immediately necessary for His Majesty's Service & the Defence of His Colonies.

"As to the Amendment you require of the acts of 1759 & 1760, we do not conceive how that matter can be "Absolutely necessary" to your Determination on the Supply Bill now before you. Those Amendments have been repeatedly required of former Assemblies, who, after full enquiry, were of Opinion that no injustice had ever been done to the Proprietaries in the Execution of those Acts; however, should your Honour hereafter make the contrary appear to this House, we shall chearfully take the matter proposed under our Consideration, and do the Proprietaries all the Justice that can be reasonably desired.

"Signed by order of the House,
"B. FRANKLIN, *Speaker.*

"May 26th, 1764."

And the Supply Bill being again taken into Consideration, it was found to contain a Clause, in effect, re-enacting the Supply Bill of the Year 1760, which the Governor could not think himself justifiable in doing, that Bill being liable to the Same Objections which were made by the King in Council, to the Bill of 1759. It was, therefore, the Opinion of the Council, that since the Assembly had absolutely refused to comply with the Stipulations of their Agents to amend the Act of the Year 1759, and his Majesty's Service, and the defence of the Province, required that Supplies be raised without delay, The Bill should be returned to the House, with a Message, desiring the House to strike out the exceptionable Clause, and acquainting them that he would, after that objection was removed, give his Assent to the Bill. Accordingly, the following Message was prepared, approved, and immediately Sent, with the Supply Bill, to the Assembly:

A Message from the Governor to the Assembly.

"Gentlemen:

"You must certainly have seen the necessity I was under, as the Supply Bill is at present framed, of pressing you to amend it, so as to make it conformable to the Decree of the King and Council, and your Agents' Stipulations on the Act of the Year 1759 By a Paragraph in the Fifty-ninth and Sixtieth Pages of the Bill now before me, you have expressly re-enacted and extended the several Clauses of a Supply Bill passed by Mr. Hamilton in the Year 1760, before the above Decree was made. The Bill of the Year 1760, thus extended, has in it the very same Clauses of the Bill of 1759, which were disapproved of by the above Decree. By this means you are not content barely with refusing to comply with the Stipulations of your agents, but would oblige me, by assenting to the present Bill to re-enact the same matters which his Majesty condemned in the bill of the Year 1759, subjecting me to the disagreeable necessity either of passing a Law in direct Violation & Contempt of the Judgment of our late Sovereign, or by refusing it to stop the Supplies, at this time so much wanted for the King's Service and the Defence of the Province.

"In order to remove this Difficulty, I return you the Bill, and earnestly desire you will free it from this objection, by striking out the exceptionable Clause; and if you will not amend the former Acts agreeable to the above mentioned Stipulations, at least let them stand on their own Bottom, without mentioning of them up on this occasion, after which I shall no longer withhold my Assent from it.

"JOHN PENN.

"May 29th, 1764."

Eodem Die, P. M.

Two Members of Assembly waited on the Governor with a Supply Bill and a Verbal Message from the House, acquainting His Honour that the House having freed the Bill from the Objections made to it in the Governor's Message of this Morning, desired His Honour would be pleased to appoint a time for passing it into a Law; To which he answered that he would examine the Bill, and if he found the exceptionable Clause left out, he would be ready to pass it to-morrow Morning at ten o'Clock.

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Wednesday, 30 May, 10 o'Clock, A. M.

The Governor returned the Supply Bill to the House by the Secretary, with a Verbal Message that he assented to it, and required the attendance of the House immediately in the Council Chamber, in order to enact the same into a Law. The House accordingly attended, and the Speaker presented to the Governor the Bill entituled "An Act for granting to His Majesty the sum of Fifty-five thousand Pounds, and for striking the same in Bills of Credit in the manner herein after directed, and for providing a Fund for sinking the said Bills of Credit by a Tax on all Estates, real and personal and Taxables within this Province," which his Honour passed, and signed a Warrant for affixing the Great Seal thereto, which was done, and the Law deposited in the Rolls Office.

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Eodem die, P. M.

The Governor having agreed to a Bill sent him by the House for his Concurrence, entituled 'An Act for regulating the Officers and Soldiers in the pay of this Province,' and for continuing An Act entituled 'An Act for Regulating the Hire of Carriages to be employed in his Majesty's Service,' Required the attendance of the House in the Council Chamber, that he might pass the Same. The House immediately attending, the Speaker presented the said Bill to the Governor, which was enacted into a Law, Sealed, & lodged in the Rolls Office.

In the Evening, two Members waited on the Governor, and acquainted him that the House intended to adjourn to the 10th of Septem^{r} next, and then delivered him a Message from the Assembly in the following words, viz^{t}:

A Message to the Governor from the Assembly.

"May it please your Honour:

"The professed intention of your Honour's Message of the Seventeenth Instant, being to vindicate the Character of the Proprietaries, and give a fairer State of the Dispute between us than we had done, it would have Pleased us could either of those Purposes have been executed; We apprehend your Honour has failed in both.

"The long Recapitulation of what passed at the Council Board in 1760, and from thence to the present time, answers no end, as we conceive, but to insinuate that we have been contending against a Determination of the King in Council, while the Fact really is otherwise, we having made the late Bill conformable in our Opinion to every Article of that Determination. And the Dispute between us Relates merely to the meaning of one of those Articles, which we understand to intend an equal Taxation of the Proprietaries' Lands with those of the people, and which your Honour will have to mean a partial and unequal Taxation in the Proprietaries' favour. And as you thought the words alone of that Article would best bear the unjust meaning you were pleased to put on them, you contended against our using any others with them that might explain them in an equitable Sense. This was our sole Dispute, and though we think it extreamly inconvenient and improper to use in an Act words of whose meaning the two Branches of the Legislature have previously declared that they have such different and contrary Conceptions, yet rather than His Majesty's service should be longer obstructed, we have given up the point, and in a new bill inserted the very words, confiding that the sense of natural Justice in the Assessors and Commissioners who are to execute the Act, will determine them to do what is right. Thus the matter might have rested, but as your Honour, with a view of placing our Conduct in an unfavourable Light, is pleased to ask us a number of Questions we are obliged to give them answers, which though short, we hope will be clear and satisfactory. "Were not learned Counsel," you ask, "employed and fully instructed by the Agents on the part of the Assembly to advocate the Supply Bill of the Year 1759?" We answer Yes. "Were not those Counsel twice fully heard, both before the Lords of Trade and a Committee of the Council? Did not the Agents understand the Force and Meaning of the Second and Third Articles previous to their signing the Stipulation?" Undoubtedly; and as we have no dispute about the Meaning of the Third, we scarce know why it is mentioned. "If they entertained a notion that they were ambiguous, why did they not then object to them when they might have had their doubts removed upon the Spot?" It seems they entertained no such notion, nor had any Doubts to be removed. It appears by the pleadings of the Proprietaries' Counsel, of which we have a Copy taken first in short hand, that they there made no such Claim of a partial and unequal

Taxation of their located uncultivated Lands, as is now made for them. They only pretended fears that the people would Tax them unequally, and desired no more than that such provision should be made as might secure for them an equal Taxation. The doubts you mentioned, if there are any, have arisen in Pennsylvania.

"Your Honour makes it a Crime in us to suppose any Ambiguity or Obscurity in the words of a Report of a Committee of Council, though that Supposition arose merely on the Observation of your differing so widely from us in the Construction of them. This was our remark: "We may both be separately clear in our Conceptions of their Meaning, but our differing so widely in those Conceptions, seems to indicate, at least, some Ambiguity or Obscurity in the Terms." If your Honour had not differed from us in the Meaning of these Words in the Report, there would have been no Doubts about it, for we made none. And our Observation, that Laws, composed by the wisest men, are sometimes found to contain obscurities and Uncertainties, which those who are to execute them find difficult to clear and settle; And that when any words of such Laws are capable of two Meanings, one unjust and unequal, & the other consistent with Justice and Equity, we conceived it a good Rule to judge that the intention is with the latter, arose, Originally, upon your differing with us in that Construction; But this you candidly call a "contending that the controverted Articles of the Decree required Additions and Explanations to be made to them by us, to reconcile them to common Justice and Honesty." For our parts, we cannot yet perceive anything indecent or "immodest" in our observation, that Laws made by the wisest Bodies of Men (by Kings, Lords, and Commons, for Instance), do sometimes contain Obscurities and Uncertainties. Subsequent Laws, frequently made by the same August Legislators, to explain the preceding, are Proofs of it. We, therefore, added justly, that it was no reflection on such Bodies to say this; But as your Honour purposed to make us appear guilty of a Reflection on them, you thought fit to mutilate the Sentence in your Quotation of it from our Message, and leave those words intirely out. But to return to Your Honour's Questions, "Why were not the objections lately made against those parts of the Decree pointed out, and urged to Mr. Hamilton as Reasons for not coming into the Measure, when he repeatedly Solicited you to comply with the Stipulations of your Agents?" Answer, the Objections in Question are against an unjust Construction that, in our Opinion, Your Honour put on Certain Words, which being used in the Stipulations of the Agents, you contended should be inserted without explanation in the Bill. As this construction was never put on those Words by Governor Hamilton, we could not point out and urge to him those Objections against it. "Why have these Objections been treasured up and kept in Reserve till this critical Period." Objections not in being, could not be treasured up, and Objections of no kind

can exist previous to a Supposition of the Thing objected to. Your Honour will please to reflect that your Construction, which these Objections relate to, was as new and strange as it is unjust and unequal, and so glaringly unjust and unequal, that you was yourself unwilling to own it, and could not, till after three Messages, urging an Explanation from you, prevail with yourself openly to avow it.

"You are pleased to add, as to the Equity and Justice of the Decree I should think I justly subjected myself to the Charge of offering the highest affront to, and flying in the Face of that Supreme and august Judicatory who pronounced it, were I to enter into any Arguments with you in Support of it." Will your Honour give us leave once more to put you in mind, that it is not the Equity and Justice of a Decree that we are disputing, but your unequal and unjust Construction of it, viz^{t}: that the best and most valuable of the Proprietaries Lands shall be taxed no higher than the worst of the People. Your total Inability of supporting this Construction by the least Colour of Argument, or Reason, is what you would fain conceal under that extravagant Pretence of Respect to the Judicatory who you say pronounced it. Could you by any Arguments have shewn the Equity and Justice of such a Taxation, we should not now have heard for the first time this extraordinary Position, that demonstrating the Equity and Justice of a Decree would be flying in the Face of Authority. Wise, learned and pious Men, have in all ages thought themselves well employed in convincing Mankind of the reasonableness, Equity and Justice of ——— Laws, human and divine, and never once dreamt that by so doing they were offering "the highest affront to, and flying in the Face of the Supreme and august Judicatories who pronounced them."

"Your Honour charges us with bestowing much abuse on the Proprietaries; Stating plain public Facts, where necessary, we do not conceive to be abuse, though done in plain Terms; But the misrepresenting a loyal and dutiful People to their Sovereign, as the Proprietaries, to cloak their own Avarice, have done the people of this Province for many Years past is, in our Opinion, Abuse, though it were delivered in the politest Language; It was in this part of your Honour's Message that we expected that vindication of the Proprietaries which in the first Paragraph seemed to be proposed; But now you chuse to pass all over with a 'silent disregard,' reflecting probably on the Maxim you had before advanced, that 'Facts are Stubborn Things,' and despairing, it seems, by any 'Colouring' to 'disguise the truth.'

"Your Honour's 'resolution to discharge the Station you fill with Fidelity and Justice to the good people of this Province,' is highly laudable, but may we be permitted to ask a Question or two in our Turn: Is it consistent with Justice to the good People of this Province, to insist on taxing the best and most valuable of the Proprietarie's Lands no higher than the worst and least valuable of

the Peoples' Lands in a common Tax, to be levied for the defence of the whole? And farther, when the Requisition was made to your Honour by the General of raising a number of Men for His Majesty's Service in your Province, were not the three Lower Counties understood to be included? Your Honour has since met and exchanged Compliments with the Assembly of those Counties, without making (as far as we have heard) the least Demand of them; Is it 'Justice to the good People of this Province,' to saddle them with all the Expence of defending that Government with all the Proprietary property contained in it, and not call upon it for the least Assistance, while we are and shall so long be loaded with the heavy debt the Wars have occasioned? The Troops raised here will perhaps all be marched to the Westward in His Majesty's Service; In which case, at least, we cannot but think it reasonable to have expected a Proportion of Forces from that Government, to assist in the Protection of our Frontier.

"Your Honour's Message concludes with recommending to us (as if we had hitherto neglected it) the raising Supplies for the King's Service, the Defence of the Frontiers, and discharge of the Publick Debt, Which obliges us to remark, that within a few Months we have sent up to your Honour three Bills for those Purposes, two of which have been rejected because they required a fair and equal Taxation of the Proprietary with other Estates, for their common Defence. And we may add, that in our Zeal for the Public Service, we have departed from the ancient forms of Parliamentary Proceeding, & waved very important Rights, which, under a more equitable Government we should not have been constrained to, and such a Government we now hope is not far distant, and that an End will thereby be put to these disagreeable and mischievous Proprietary contentions, and the People of this much injured Province restored to their Privileges, which they have long been deprived of; Proprietary Will and Pleasure, expressed in their Instructions, being now our only Law, which, through publick necessities and the distresses of War, we have been and are compelled to obey.

"Signed by Order of the House.

"BENJAMIN FRANKLIN, *Speaker.*

"May 30th, 1764."

At a Council held at Philadelphia, on Friday, the 6th July, 1764.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Thomas Cadwalader, Richard Penn, Esquires.

The Governor proposed to the Provincial Commissioners, at a Meeting of that Board, the 12 June, 1764, that in order to prose-

cute the Indian War with the more vigour, and to spirit up the People to pursue and harrass the Savages in their own Country, it would be very necessary at this time to offer great rewards, by Proclamation, for all Indian Enemy Prisoners & Scalps that shall be taken within this Province, & further acquainted the Commissioners that he had, on the 9 June, wrote to Sir William Johnson, to desire his Opinion & Advice as to that Measure, and whether it would in any manner interfere with the Indian Affairs under his Direction.

Whereupon it was agreed by that Board that the several following Premiums be offered by Proclamation for the Prisoners and scalps of the Enemy Indians that shall be taken or killed within the Bounds of this Province, as limited by the Royal Charter, or in pursuit from within the said Bounds, viz^{t} :

For every Male Indian Enemy above ten Years old taken Prisoner and delivered to the Officer of any Fort garrisoned by the Troops in the pay of this Province, or to the keeper of the common Gaol of any County Town within this Government, One hundred and fifty spanish Dollars.

For every Female Indian Enemy, and for every Male Indian of 10 Years old and under, taken & delivered as afores^{d} 130 Spanish pieces of Eight.

For the Scalp of every Male Indian Enemy above the age of 10 Years produced as evidence of their being killed, 134 pieces of Eight.

And for the Scalp of every female Indian Enemy above the Age of 10 Years produced as Evidence as afores^{d} 50 pieces of Eight.

And that there shall be paid to every Officer or Officers, Soldier or Soldiers, in the pay of this Province, one-half of the above rewards.

And that the Six Nations, or any other Indians in Amity with the Crown of Great Britain, be excepted out of the said Proclamation, But that before the said Proclamation be made publick, the advice and sentiments of Sir W^{m} Johnson be had respecting this measure, & how far it may interfere with the Designs of his Majesty communicated to him on Indian Affairs.

The Governor having received an Answer to his Letter above mentioned from Sir William Johnson, approving of his design of giving rewards for Indian Scalps, laid the same before the Board, which was read and is as follows :

"Burnets-Field, June 18th, 1764.

"Sir:

"I have just received your favour of the 9th Inst., on my way to Niagara, which deprives me of the pleasure of writing to you as fully as I would.

"I am heartily sorry for the losses sustained about Fort Loudon, and on the Frontiers of Virginia, all which will, I hope, be shortly put a stop to. In the mean time, I cannot but approve of your

gratifying the desire of the people in your Province, by a bounty on Scalps, and I heartily wish success to the design, & to guard as much as in my power against the ill consequence of their killing any of the Friend Indians. I shall make them all acquainted therewith, & caution them by no means to appear on your Frontiers till affairs are settled.

"David Owens was a Corporal in Capt^n. M^cClean's Comp^y. and lay once in Garrison at my house. He deserted several times, as I am informed, & went to live among the Delawares & Shawanese, with whose Language he was acquainted, His Father having been long a Trader amongst them.

"The Circumstances relating to his leaving the Indians have been told me by several Indians. That he went out a hunting with his Indian Wife and several of her relations, most of whom, with his Wife, he killed and scalped as they slept. As he was always much attached to Indians, I fancy he began to fear he was unsafe amongst them, and killed them, rather to make his peace with the English, than from any dislike either to them or their Principles.

"I hope to be at Niagara within 10 or 12 days, when I shall do every thing in my power for obtaining an advantageous peace with the Indians, who desire it for the benefit of the Colonies. Tho' the slender efforts hitherto made use of, and our great backwardness, will increase the confidence of the Indians to such a Pitch as must in a little time occasion another Rupture, unless by friendship and favours we secure them in our Interest.

"I am with great esteem, Sir,

"Your most obedient humble Servant,

"W^M. JOHNSON.

"The Hon^ble. Lieuten^t. Gov^r. PENN."

In consequence thereof, a Draught of a Proclamation having been prepared, was read and considered and approved, and ordered to be got in readiness for the press to-Morrow, that a number of Copies may be printed off and distributed thro' the Province, and also published in the next Week's Gazette & Journal.

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Saturday, 7th July.

The following Proclamation, approved in Council yesterday, was this day signed by the Governor, had the Great Seal affixed thereto, & was sent to the press, viz^t.:

"*By the Honourable JOHN PENN, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, and Sussex, on Delaware.*

"A PROCLAMATION.

WHEREAS, the Delaware and Shawanese Tribes of Indians and others in Confederacy with them, have, without the least provoca-

tion, and contrary to their late most solemn Treaties, ungratefully renewed War upon this Province, and in a most Savage, cruel, & perfidious manner, killed and butchered great numbers of the Inhabitants, burnt and destroyed their Habitations, and laid waste the Country; I have, therefore, thought fit, by and with the advice of the Council, to issue this Proclamation, and do hereby declare the said Delaware and Shawanese Indians, & all others, who, in Conjunction with them, have committed Hostilities against his Majesty's Subjects within this Province, to be Enemies, Rebels, and Traitors to his Most sacred Majesty; And I do hereby require all his Majesty's Subjects of this Province, and earnestly invite those of the neighbouring Provinces, to embrace all opportunities of pursuing, taking, killing, & destroying the said Delaware and Shawanese Indians, and all others concerned in committing Hostilities, Incursions, Murders, or Ravages, upon this Province; *And Whereas*, the Six united Nations of Indians, viz^{t}: The Mohickons, Oneidas, Onondagoes, Cayugas, Senecas, and Tuscaroras, have been, for the most part, in constant Amity with the Crown of Great Britain, and are now actually engaged with Sir William Johnson, his Majesty's Superintendant for Indian Affairs, in renewing and firmly establishing the peace and Friendship subsisting between them and the several Colonies; *And Whereas*, sundry of the Delaware, Nanticoke, & other Indians, professing a Regard and Friendship for all his Majesty's Subjects, have removed within the Inhabited parts of the Country, and put themselves under the protection of this Government, and now live in the Barracks of this City, under a Guard of his Majesty's regular Troops, I do, therefore, declare that the several Tribes of the Six united Nations, as well as those Indians so as aforesaid, living under the Protection of this Government, and all others who shall join & act with us in the prosecution of this just & necessary War, are expressly excepted and excluded out of this Declaration; And I do hereby, strictly forbid any of his Majesty's Subjects within this Province, to do them the least injury, or give them any molestation whatsoever, as they will answer the same at their Peril; *And Whereas*, it is necessary for the better carrying on Offensive Operations against our Indian Enemies, and bringing the unhappy war with them to a speedy issue, that the greatest Encouragements should be given to all his Majesty's Subjects to exert and use their utmost Endeavours to pursue, attack, take, and destroy our said Enemy Indians, I do hereby declare and promise, that there shall be paid out of the Monies lately granted for his Majesty's use, to all and every Person and persons not in the pay of this Province, the following several and respective premiums and Bounties for the prisoners and Scalps of the Enemy Indians that shall be taken or killed within the Bounds of this Province, as limited by the Royal Charter, or in pursuit from within the said Bounds, that is to say: For every *Male* Indian Enemy above ten Years old, who shall be taken Prisoner,

and delivered at any Forts garrisoned by the Troops in the pay of this Province, or at any of the County Towns, to the Keeper of the Common Gaols there, the sum of *One hundred & fifty Spanish Dollars*, or *pieces of Eight;* For every *Female* Indian Enemy taken Prisoner, & brought in as aforesaid, and for every Male Indian Enemy of ten years old, or under, taken Prisoner, and delivered as aforesaid, the sum of *One hundred and thirty pieces of Eight;* For the Scalp of every *Male* Indian Enemy above the age of ten years, produced as Evidence of their being killed, the sum of *One hundred and thirty-four pieces of Eight;* and for the Scalp of every *Female* Indian Enemy above the age of ten Years, produced as Evidence of their being killed, the sum of *Fifty pieces of Eight;* And that there shall be paid to every Officer or Officers, Soldier or Soldiers, as are or shall be in the pay of this Province, who shall take, bring in, and produce any Indian Enemy Prisoner, or Scalp, as aforesaid, one-half of the said several and respective Premiums & Bounties.

"*Given* under my hand and the Great Seal of the said Province, At Philadelphia, the Seventh day of July, in the fourth Year of his Majesty's Reign, & in the Year of our Lord one thousand seven hundred and Sixty-four.

"JOHN PENN.

"By His Honour's Command.

"JOSEPH SHIPPEN, Junr, Secretary.

"GOD SAVE THE KING."

At a Council held at Philadelphia, on Thursday, the 23rd Augt, 1764.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

William Logan, Benjamin Chew, } Esqrs.
Lynford Lardner, Thomas Cadwallader, }

The Governor laid before the Board a Record of Conviction of Thomas Fowler for Burglary, at a Court of Oyer and Terminer and General Gaol Delivery held at Reading, for the County of Berks, on Tuesday, the 14th of this Instant August, before Alexr Stedman, James Read, and Jonas Seely, Esquires, Justices of the said Court, assigned by a special Commission; And it appeared by the said Record that the said Thomas Fowler was legally tried and convicted of Felony and Burglary, committed in the House of Sarah Drury, in the said Town of Reading, the 24 day of February last, and had received Sentence of Death for the same. The Board taking this matter into Consideration, and finding that Mr. Stedman, one of the Justices, had reported to the Governor that he believed the said

Fowler to be a great Villain, and that not a single Circumstance appeared in his favour on his Trial, were of opinion that the sentence of the Court should be executed. The Governor accordingly signed a Warrant under the Lesser Seal of this Province, for his Execution on Friday, the 7th day of September next.

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Tuesday, 11th September, 1764. A. M.

Two Members of Assembly waited on the Governor, and acquainted him that the House were met pursuant to Adjournment, and desired to know if his Honour had any Business to lay before them, to which he made answer that he had nothing to recommend at present, and whenever he had he should communicate the same to the House by the Secretary.

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Friday, 14th September, A. M.

The Governor laid before the Assembly by the Secretary for their perusal, a Letter from Col° Bradstreet, dated at Presque Isle, the 14 August, 1764, inclosing a Copy of the Terms of Peace, which he had granted to the Western Indians living between Lake Erie & the Ohio. The said Letter and Copy of Peace are as follow, as also a Letter from Col. Bouquet, dated at Fort Loudon, 27 Aug^t. 1764, which accompanied them.

A Letter from Col. Bradstreet to the Governor.

"PRESQUE ISLE, 14th August, 1764.

"Sir:

"As it may be agreeable to you and the People under your Government, to know as soon as possible of the peace concluded with all the Nations of Indians, that have done you so much damage, I have inclosed you a Copy of what has passed upon the Occasion.

"I am, Sir,

"Your most humble servant,

"JOHN BRADSTREET.

"P. S. Perhaps, under the present Circumstances of the Troops acting from your Quarter, and the advanced Season, it may be agreeable to the Southern Governments to have early information of this affair, in which you will be pleased to act as may be most agreeable to you.

"The Hon. Governor PENN."

"Three o'clock in the afternoon, August 12th, 1764.

"Lake Erie Camp, at l' Anie aux Feuilles.

"At the request of ten Savages who arrived this Morning, saying they were sent by the Hurons of Sandusky, the Shawanese, the Delawares, what they call the Five Nations, inhabiting the Scioto Plains, the Banks of the Ohio, Presque Isle, &ca., &ca., I received from them the following Speeches:

"First. A long Compliment, with a String of Wampum.

"Secondly. A String of Wampum, begging leave to speak & be heard.

"Thirdly. We ask in the name of the whole of the above Nations, where this Army is going, and what are your intentions?

"That on receiving certain Intelligence that you were coming against us with an Army, we immediately called in all our Warriors who were out against your Frontiers, and determined to meet you on this Lake, and beg for Mercy, & forgiveness and Peace, which we now do, in the name of and by the Order of the Nations above mentioned, the whole being truly sensible of their past Folly and unjust Behaviour to the English, without Cause."

A String of Wampum.

"*Colonel Bradstreet's Answers to the above.*

"'First. I thank you for your Compliment.

"'Secondly. You may have leave to speak openly and freely.

"'Thirdly. The reason for marching the Army this way to revenge the Insults and Injuries done to the English, on those Savages who have not asked forgiveness, & given Sureties for their future good Behaviour.

"'You have done well in calling in all your Warriors, begging Peace, and truly repenting of your late insolence and bad conduct towards the English, without any provocation whatsoever, and I am surprised to find you begging peace and forgiveness, so soon after writing such an impertinent Letter as that you sent by Smallman to Pittsburg, Detroit, &ca.; notwithstanding which, since you implore Forgiveness and Mercy, I will on the following Terms grant Peace unto you, provided you are fully impowered from the Nations above mentioned, and that the Chiefs will ratify it as soon as possible, and that you name the Chiefs.'

"Answer:

"'We are fully impowered to conclude and sign a Peace, if we can obtain it. The Chiefs of the above Nations will ratify it, & their names are as followeth, viz^{t}:

"'For the Shawanese—Scobalectic, the great War Chief.

"'Delawares—The whole of the Chiefs.

"'Sandusky Hurons—Sastaregi, Chief of the Warriors.

"'And themselves of the Five Nations of the Scioto Plains, &ca., &ca., viz': Cuyashota, Decencytaryectoo, Tisnennockshoree, Aleyvaueta, and Anarunqua.'

"Terms on which Peace is granted:

"'First. All Prisoners shall be delivered up at Sandusky directly—Enlish, French, and Blacks, without reserve or excuse of being married, or any otherwise connected with you; & should there be any unwilling to leave you, they must be obliged to come.

"'Secondly. All the Chiefs above mentioned shall come with their Prisoners and ratify the Peace I shall now grant.

"'Thirdly. Six of the Principal Men of the Deputation, now here, must remain as Hostages for the true Performance of the Engagements they hereby enter into; and in consideration of my not marching, immediately on my landing, against their Castles, as I at first intended; and the other four, with one of my Officers and an Indian belonging to this Army, must proceed with the utmost dispatch to acquaint the Chiefs of the peace granted, and what is expected from them, as I am determined not to lose time, or suffer myself to be imposed on.

"'Fourthly. That this Peace may last forever, the Nations above mentioned must entirely relinquish their claims to the Forts and Posts the English now have in their Country; and that the English shall be at liberty to build & erect as many Forts or Trading Houses as they may find necessary for carrying on Trade betwixt them and the Savages without Interruption, and they shall grant as much Land round the Forts as a Cannon can throw a shot over, for the raising a proper supply of Provisions for the use of the Garrison and Traders, which Lands they are to renounce and look on as the property of the English for ever.

"'Fifthly. That I shall be at liberty to send in safety from this Army to your Castles, Six English, six Canadians, and six Indians, to see that you bring away all the Prisoners that you have, which Prisoners you are to furnish with Horses and Provisions during their Journey, and treat them with all the tenderness and kindness you can shew; and that I may, for the Security of the People I send, have with me an equal number of Indians of your Nations, till the return of the above six English, six Canadians, & Six Indians.

"'Sixthly. That if hereafter it should happen that any person belonging to the above nations shall kill or plunder any of the English, the person or persons so offending, shall be immediately given up and delivered at Fort Pitt, there to be tried for the Offence committed, agreeable to the Laws and Customs of the English, with this Difference only, that one-half of the Jury shall be Indians of the same Nation as the Offender.'

"'Seventhly. You cannot be ignorant of an Army's marching against the above nations by the Ohio; but in consideration of your truly repenting of your late bad conduct towards the English, and the Engagements you hereby enter into, and the Promises you also make of your future good Behaviour, I shall send and prevent their proceeding against you; but be assured, should you ever be guilty of the like bad Behaviour again, you shall be cut off from the Face of the Earth.'

"'Eighthly. If any of the Nations or Tribes herein mentioned, should separately violate this Peace and disturb the publick Tranquility, the others shall consider themselves as bound to make War on them separately or jointly with the English and their Allies, till they have brought them to reason, as also against any Indians, Enemies to the English, and the English will assist them against their Enemies.'

"'Ninthly. To avoid being imposed on by Delays in ratifying this peace, & so lose the Season for acting against the above Indians, I do allow twenty-five days from the date hereof, for the arrival of the Chiefs of the above Nations, with all their Prisoners at Sandusky, and should they fail herein, what has been done I shall look on as void, and they may expect to find us Warriors instead of Brothers and Friends.'

"'By the power invested in me by His Excellency Major General Gage, Commander-in-Chief of all His Majesty's Forces in North America, &ca., these are the Terms of Peace I grant to the Nations heretofore mentioned; that is to say, to the Shawanese, Delawares, the Hurons of Sandusky, the five Nations of Scioto, the Ohio and Presque Isle.'

"'*Given* under my hand & Seal, at the place and on the date above mentioned.'

"'JOHN BRADSTREET.'

"From the power we have received from the Chief of the Delawares, the Shawanese, the Hurons of Sandusky, the Five Nations of the Indians inhabiting the Plains on Scioto, the Banks of the Ohio, Presque Isle, &ca, &ca.

"We do in the name of the above Nations, together with ourselves, most gratefully accept the Terms above mentioned & granted, and we do, also, most solemnly bind ourselves & them to the true performance of each article in every respect.

"Signed after the manner of the Indians, with the Representation of a Turtle, a Fox, and Wolf, with two Crosses.

"This Peace being agreed on, the Six Nations and Indians of Canada got up and took the Deputies by the hand, saying they were glad to see they were come to their senses, and hoped they would continue so, if they did not, on the first Breach of this

Peace, which they were witnesses to their concluding, they would immediately make War against them.

"A true Copy.

"THOMAS MANT, *Aid-de-Camp.*"

A Letter from Colonel Bouquet to the Governor.

"FORT LOUDON, 27th August, 1764.

"Sir:

"I have the Honour to transmit to you a Letter from Colonel Bradstreet, who acquaints me that he has granted Peace to all the Indians living between Lake Erie & the Ohio, but as no Satisfaction is insisted on, I hope the General will not confirm it, and that I shall not be a witness to a Transaction which would fix an indelible Stain upon the Nation.

"I, therefore, take no notice of that pretended Peace, & proceed forthwith on the Expedition, fully determined to treat as Enemies any Delawares or Shawanese I shall find in my way, till I receive contrary Orders from the General.

"I have the Honour to be, with great respect,

"Sir, Your most Obed^{t} & most h'ble Servant,

"HENRY BOUQUET.

"Governor PENN."

Wednesday, Sept^{r} 19th, 1764.

MEMORANDUM.

Mr. Allen and Mr. Rhoads, a Committee of the House, waited on the Governor and presented to him a Bill, entituled a "Supplement to an Act entituled 'An Act for granting to His Majesty the Sum of £24,000 for the Defence and Protection of this Province and for other purposes therein mentioned,"' for his Consideration and Concurrence. The Governor told the said Committee that he would consider the said Bill, and let the House know his result thereon.

The same Gentlemen informed the Governor that the House were preparing a Bill for erecting a Light House at the Mouth of Delaware Bay, in which it would be necessary to appoint an Officer to collect certain Duties on Ships and Vessels, intended to be imposed by the said Bill, to defray part of the Expence of erecting and supporting the said Light House, and that the House had appointed them a Committee to confer with the Governor about a proper Person to fill the said office. Whereupon the Governor entered into a Conference with the said Committee on the occasion, & Thomas Coombe being proposed for the said Office of Collector, the Governor agreed that His name should be inserted in the said Bill accordingly.

Saturday the 22nd September, 1764.

The Members of Council were summoned to meet the Governor in Council this Morning at 10 o'Clock, and Benjamin Chew, Esquire, alone attending, the Governor with him read and examined two Bills sent up by the Assembly for his Honour's Concurrence entituled as follows, vizt:

"A Supplement to the Act entituled 'An Act for granting to his Majesty the Sum of £24,000 for the defence and Protection of this Province, and for other purposes therein mentioned.'"

"A Supplement to the Act entituled 'An Act for erecting a Light House at the Mouth of the Bay of Delaware, at or near Cape Henlopen, for placing and fixing Buoys in the said Bay and River Delaware, & for appointing Commissioners to Receive, collect and recover certain Sums of Money heretofore raised by way of Lottery, & to appropriate the same to the purposes aforesaid.'"

The Governor, having agreed to the former Bill, and finding that the Person appointed to the Office of Collector in the latter, is the same whom he agreed on with the Committee of Assembly, the 19th Inst., had no objection to it, and directed the Secretary to return the said Bills to the House, acquainting them that he gave his assent thereto, and would be ready to pass them into Laws whenever the House should present them for that purpose.

This being accordingly done, two Members waited on the Governor with a Message from the House, desiring to know if his Honour would be pleased to pass the two Bills this forenoon. The Governor answered that he should go immediately to the State House for that purpose. His Honour, being in the Council Chamber, acquainted the House, by the Secretary, that he required their attendance there. They accordingly attended, and the Speaker presented the Bills before mentioned to the Governor, who enacted them into Laws, and signed a Warrant for affixing the Great Seal to them, which being done, the two Laws were deposited in the Rolls Office.

—

Eodem die, 9 o'Clock, P. M., The Assembly broke up.

At a Council held at Philadelphia on Thursday, 4th October, 1764.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Benjamin Chew, Lynford Lardner, } Esq^rs.
Richard Penn,

The Governor laid before the Board the returns of Sheriffs and Coroners for the Counties of Philadelphia, Chester, Bucks, North-

ampton, Berks, and New Castle, which being read and considered, the following Persons were appointed, & Commissions were filled up accordingly, viz^{r}:

William Parr,	Sheriff,	Philadelphia County.
Caleb Cash,	Coroner,	
Philip Ford,	Sheriff,	Chester d^{o}.
Davis Bevan,	Coroner,	
John Gregg,	Sheriff,	Bucks d^{o}.
John Addis,	Coroner,	
Peter Kechlein,	Sheriff,	Northampton d^{o}.
David Berringer,	Coroner,	
Jacob Weaver,	Sheriff,	Berks d^{o}.
Samuel Weiser,	Coroner,	
Thomas Duff,	Sheriff,	New Castle d^{o}.
William Stewart,	Coroner,	

—

5th October, 1764.

The returns of sheriffs and Coroners for the Counties of Lancaster & York, being this Day made to the Governor, the following Persons were appointed and Commissionated, viz^{t}:

John Barr,	Sheriff,	Lancaster county.
Mathias Slough,	Coroner,	
Robert M^{c}Pherson,	Sheriff,	York d^{o}.
John Adlum,	Coroner,	

—

6th October, 1764.

The Governor having this Day received the Returns of Sheriffs & Coroners for the Counties of Kent and Sussex, appointed and Commissionated the following Persons, viz^{t}:

Thomas Collins,	Sheriff,	Kent County.
Mathew Manlove,	Coroner,	
Daniel Nunez, Jun^{r},	Sheriff,	Sussex d^{o}.
Henry Davis,	Coroner,	

—

9th October.

The return of Sheriffs and Coroners being now made for the County of Cumberland, the Governor appointed & Commissionated Ezekiel Dunning, Sheriff, & William M^{c}Coskry, Coroner, for the said County.

In the Council Chamber, Tuesday 16th October, 1764.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Benjamin Chew, Esq^r^

Eight Members of Assembly waited on the Governor last Night, and acquainted him that pursuant to the Charter and Laws of this Province, a Quorum of the Representatives being met, had proceeded to chuse their Speaker, & desired to know when he would be pleased to receive the House, that they might present him for His Honour's Approbation, & the Governor having appointed this day at 12 o'Clock for that purpose, acquainted the House by the Secretary that he waited in the Council Chamber in order to receive them with their Speaker. The whole House accordingly attended and presented Isaac Norris, Esq^r^ as their Speaker, whom the Governor was pleased to approve of; And then the Speaker, in the name & behalf of the House, claimed the usual Privileges, viz^t^:

1st. That the better to discharge the Business of the Public, they may at all seasonable times have free access to the Governor.

2d. That their Persons may be protected from all arrests and Insults, during the time of Privilege accustomed.

3d. That it would please the Governor to take no notice of any Report that may be made, touching any matter or thing that may be moved or debated in the House, until the same shall have passed into Resolves, nor give the least Credit to such Report.

4th. That his own (the Speaker's) unwilling mistakes may be excused, & not imputed to the House.

These being requested by the Speaker as the rights & privileges of the Freemen of Pennsylvania, derived and confirmed to them by the Charter & Laws of the Province, The Governor was pleased to answer, that he should always be careful to protect the House in all their just Rights & privileges.

—

The 17th Day of October, 1764.

MEMORANDUM.

The Governor being acquainted that the Courts of Quarter Sessions & Common Pleas for the County of Cumberland, were to be held at Carlisle, on Tuesday, the 23d ins^t^; and for the County of York, on Tuesday, the 30th instant; His Honour this day issued two General Commissions of the Peace under the Great Seal, one appointing the following Gentlemen Justices of the Peace and of the County Court of Common Pleas of and for the County of Cumberland, viz^t^:

James Hamilton,
William Till,
Benjamin Shoemaker,
Lawrence Growden,
Joseph Turner,
William Logan,
Richard Peters,
Lynford Lardner,
Benjamin Chew,
Thomas Cadwalader,
Richard Penn,
} Esq^rs. Members of the Proprietary and Governor's Council.

John Armstrong,
Ja^s. Galbreath,
John Byards,
Williams Smith,
John McKnight,
James Carithers,
Hermanns Alricks,
Adam Hoops,
Francis Campbell
John Reynolds,
Jonathan Hogg,
Rob^t. Miller,
William Lyon,
Rob^t. Callender,
Andrew Calhoon,
Ja^s. Maxwell,
Sam. Perry,
John Holmes.
John Allison.

And the other Commission appointing the following Gentlemen Justices of the Peace and of the County Court of Common Pleas of and for the County of York, viz^t.:

The Members of the Proprietary and Governor's Council as before; and

John Blackburn,
David Jameson,
Martin Eikelberger,
Archibald McGrew,
Samuel Johnston,
Samuel Edie,
Mathew Dill,
Mich^l. Swoope,
James Welch,
Robert McPherson,
John Smith,
Henry Sleigel,
Thomas Minshall,
Conyngham Sample,
William Dunlap,
Joseph Hutton.

New Castle, Monday 22d October, 1764, A. M.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Gov^r. &ca.
Benjamin Chew, Richard Penn, Esq^rs.

"Three Members of Assembly of the Government of the Lower Counties, waited on the Governor with a Message from the House,

that they had met pursuant to the Charter and Laws of the Government on Saturday last, had proceeded to chuse their Speaker, and desired to know when and where they might present him for His Honour's Approbation. The Governor having answered them that he should be ready to receive the House immediately,

They accordingly attended at his Lodgings, and presented Mr. Jacob Kollock as their Speaker, who, being approved by the Governor, claimed the usual Rights and Priveleges of the House, which were allowed them, and they withdrew.

—

Eodem die, 3 o'clock, P. M.

A Message was delivered to the Governor by three Members, acquainting him that the House were duly qualified, and desired to know whether his Honour had any Business to lay before them; the Governor answered that he had nothing to recommend to them at present, & desired they would proceed on their own Business.

—

Thursday the 1st November, 1764.

MEMORANDUM.

The Governor this day issued three General Commissions of the Peace, appointing the following Gentlemen Justices of the Peace and of the Courts of Common Pleas for the Counties of Newcastle, Kent, and Sussex, on Delaware, viz^{t}:

For the County of New Castle,

James Hamilton,
William Till,
Benjamin Shoemaker,
Lawrence Growdon,
Joseph Turner,
William Logan,
Richard Peters,
Lynford Lardner,
Benjamin Chew,
Thomas Cadwalader,
Richard Penn,

} Esq$^{rs.}$ Members of y^{e} Proprietary & Gov^{rs} Council.

Evan Rice,	David Finney,	
Thomas James,	Thomas Cooch,	
William Patterson,	James Lattimer,	
William Armstrong,	Thomas Kim,	Esq^rs.
John Jones,	Jacob Peterson,	
W^m. Williams,	John Evans,	
R^d. McWilliams,	Thomas Tobin,	
John Stapler,	Theodore Maurice,	

For the County of Kent, the Members of the Proprietary & Governor's Council as before, and

John Caton,	John Barnes,	
Richard Wells,	James Morris,	
Thomas Irons,	James Spykes,	
Theodore Maurice,	William Rhoads,	Esq^re
Andrew Caldwell,	W^m. Rodney,	
Cæser Rodney,	Rob^t. Holliday,	
Chas. Ridgly,	Chas Hilliard,	
Jn^o. Clarke, Jr.,		

For the County of Sussex, the Members of the Proprietary & Governor's Council as before, &

Jacob Kollock, Sen^r.	John Spencer,	
Benjamin Stockley,	Isaac Watson,	
David Hall,	Wrixam Lewis,	
Benjamin Burton,	Gilbelcher Parker,	Esq^rs.
Nehemiah Drapper,	Levin Crapper,	
Thomas Prettyman,	Tho^s. Robinson,	
Jacob Kollock, Jr.,		

—

New Castle, the 2d day of November, 1764.

In the room of Ryves Holt, Esquire, deceased, late Chief Justice of the Supream Court, and Willlam Till, Esq^r. second Justice of the said Court, who is disabled, by Infirmities, from further attending the duty of that Station; The Governor, by Commissions bearing different dates, appointed John Vining, Esq^r. of Kent County, Chief Justice, and Jacob Vanbebber, Esq^r. of New Castle County, second Justice of the Supream Court in the Government of the Counties of New Castle, Kent and Sussex on Delaware.

At the same time his Honour was pleased to appoint aud Commissionate Richard M'William, Esq^r. of New Castle County, & John Clowes, Esq^r. of Sussex, the two other Justices of the said Court.

The Assembly, during their Sessions, sent up to the Governor for his Concurrence, the Bills entituled as follows, viz^t.:

"An Act to enable John Vining and Cæser Rodney, Esq^rs, Trustees of the General Loan Office, of Kent County, upon Delaware, or their Successors in the said Office, to demand & receive, or otherwise to sue for and recover the Ballance due to the publick, from the Estate of James Wain, Yeoman, deceased, late Collector of the County Rates & Levies for Murtherkill hundred in the said County, and also to enable Rich^d M'William, Thomas M'Kean, and Evan Rice, Esqrs., Trustees of the General Loan Office of the County of New Castle upon Delaware, or their Successors in the said Office, to demand & receive, or otherwise to sue for and recover the Ballance due to the Publick from Benjamin Naxon of the said County of New Castle, Gentleman, late Captain of a Company of Foot, raised for his Majesty's Service, within this Government."

"An Act for the more easy Recovery of small Debts."

"A Supplement to an Act entituled, 'An Act for the better regulation of the Supream Court of this Government, & for aiding the discontinuance of the process therein, & other purposes therein mentioned.'"

The said Bills, having been read & considered by the Governor, were Returned to the House of Assembly, with a few Amendments to each of them, and the House having acceded to the same, presented them again to the Governor for his Assent. His Honour accordingly sent them down again, by the Secretary, with a Verbal Message to the House, that he agreed to them, & was ready to pass them immediately. The House accordingly attended at the Governor's Lodgings, with the above-mentioned Bills, which his Honour enacted into Laws, Signed a Warrant for affixing the Great Seal thereto, & directed the Secretary, with two Members of the House, to see them deposited in the Rolls Office.

The Speaker then presented to the Governor Orders on the Trustees of the Loan Office for £200, for his Support for the present Year, for which his Honour returned the House thanks.

At a Council held at Philadelphia, on Monday the 19th Novem^r, 1764.

PRESENT:

The Honourable JOHN PENN, Esq^r, Lieutenant Governor, &ca.

Benjamin Shoemaker, Lynford Lardner, } Esq^rs
William Logan, Benjamin Chew, }

The Governor, thinking it necessary to issue new General Commissions of the Peace, for the Counties of Philadelphia, Chester, Bucks, and Northampton, and to make sundry alterations in the last Commissions, laid before the Board several Lists of Persons, whom he proposed as Justices of the said Counties, and the same

being read and considered, the following Gentlemen were agreed on to be Justices of the General Quarter Sessions of the Peace, and of the County Court of Common Pleas, for the Counties of Philadelphia, Chester, & Northampton, & Commissions were ordered to be made out accordingly, viz$^{t.}$:

For the County of Philadelphia :

James Hamilton,
William Till,
Benjamin Shoemaker,
Lawrence Growdon,
Joseph Turner,
William Logan,
Richard Peters,
Lynford Lardner,
Benjamin Chew,
Thomas Cadwalader,
Richard Penn,
William Plumsted,
Septimus Robinson,
Samuel Ashmead,
William Peters,
Samuel Mifflin,
} Members of y$^{e.}$ proper$^{y.}$ & Governor's Council.

Jacob Duche,	James Coultas,	
Isaac Jones,	Jacob Hall,	
William Coxe,	John Bull,	
Thomas Willing,	Thomas Lawrence,	
Daniel Benezet,	John Lawrence,	
Samuel Shoemaker,	George Bryan,	Esquires.
William Parr,	William Humphreys,	
Evan Thomas,	Frederick Antis,	
Archibald McClean,	Peter Evans,	
William Dewees,	James Biddle,	
Henry Harrison,	Alex · Edwards,	

For the County of Chester, The Members of the Proprietary & Governor's Council as before ; and

William Moore,	Will. Parker,	
Thomas Worth,	John Hannum,	
Samuel Flower,	John Price,	
John Miller,	John Fairlamb,	
Isaac Davis,	Henry Hale Graham,	Eqs^{rs}
Edward Brinton,	William Boyd,	
Alex$^{n.}$ Johnson,	R$^{d.}$ Reily,	
J$^{no.}$ Culberston,	James Hunter, &	
Will. Clingham,	James Evans,	

For the County of Northampton, The Members of the Proprietary & Governor's Council as before; and

William Plumsted,	Jacob Ornat,	Esq^rs.
Thomas Craig,	John Moore,	
Hugh Wilson,	Robert Lyle,	
Aaron Depui,	James Allen,	
Lewis Klotz,	John Jennings,	
Thomas Armstrong,	Henry Geiger,	
George Taylor,	Dan^l Brodhead,	
Lewis Gordon,		

The Commission of the Peace for Bucks county was referred to further Consideration.

—

27th Novem^r. 1764.

MEMORANDUM.

The Governor this day issued a Commission appointing John Vining, Jacob Vanbebber, and Richard McWilliam, Esq^rs, Justices of the Court of Oyer and Terminer & General Gaol delivery, for the Government of the Counties of New Castle, Kent, and Sussex, on Delaware.

At a Council held at Philadelphia, on Wednesday, the 5th day of Decem^r. 1764.

PRESENT:

The Honourable JOHN PENN, Esq^r. Lieutenant Governor, &c^a.

Benjamin Chew,	Thomas Cadwallader,	Esq^rs.
Lynford Lardner,	Richard Penn,	

The Governor laid before the Board a Letter he received by Major Small, from Col^o. Bouquet, dated at the Forks of Muskingum, 15 Nov^r. last, acquainting him that he had obliged the Delawares, Shawanese, & Senecas, to submit to the terms he had prescribed to them, in consideration of a permission from him to send Deputies to Sir William Johnson, to conclude a Peace with the English; and also a Copy of the Conferences he had held at several times with the said Indians, containing a Minute detail of his Proceedings from the 20th September to the 16th November last.

Both which being read and duly considered, the Council advised his Honour to issue a Proclamation, ordering a suspension of all Hostilities against the above mentioned Tribes 'till further Orders.

The Secretary having accordingly prepared a Draught of a Proclamation for that purpose, it was read and approved, and ordered to be published to-morrow in the Pennsylvania Gazette and Journal.

The Letter from Col. Bouquet and the Indian Conferences being ordered to be entered on the Council Minutes with the Proclamation, they are as follows, viz^{t}:

A Letter to the Governor from Colonel Bouquet.

"Camp at the Forks of Muskingham, 15 Novem^{r} 1764.

"Sir:

"I have the Pleasure to inform you that the Mingoes, the Delawares, & the Shawonese, after a long Struggle, have at last submitted to the Terms prescribed to them, viz^{t}:

"'1st. To deliver all the Prisoners without Exception.'

"'2d. To give fourteen Hostages to remain in our Hands as a Security for the strict performance of the 1st Article, and that they shall commit no Hostilities against his Majesty's Subjects.'"

"Upon these Conditions they are permitted to send Deputies from each Nation to S^{r} William Johnson to make their Peace.

"The Mingoes have given two Hostages.

"The Delawares Six

"The Shawonese Six

"The inclos'd Copy of our Proceedings with these nations contains a minute account of the whole Transaction; therefore, I shall not trouble you with particulars. I am only to request that you will have a suspension of Arms with these Savages publish'd in your Government, and I may presume to assure you, from their present humble Dispositions, that the Troops stationed on your Frontiers may be discharged, and the Inhabitants return with safety to their deserted Plantations.

"We have already upwards of 200 Captives delivered, & many of them have remained so many Years amongst them, that they part from them with the greatest Reluctance. We are obliged to keep Guards to prevent their Escape, and unless they are treated with Indulgence & Tenderness by their Relations, they will certainly return to their Savage Masters. The Delawares and Mingoes have not only delivered all their Prisoners, but even their own Children born from White Women.

"The Shawonese have been very Obstinate, and nothing has prevented the Chastisement they deserved, but the certainty, that if they were driven to despair, they would massacre 150 Prisoners then in their Hands; however, their pride has been humbled, and they have been forced to submit to the same Conditions as the other Nations.

"The Troops of your Government have carried on the Service with great Zeal and Chearfulness, and their Conduct does them Honour in every respect.

"I shall immediately send them to Carlisle with the Prisoners belonging to the Province; as several of them are not known, I beg you will appoint a Person to receive them at that Place, and provide them with the necessaries of Life till they are claimed.

"I have the Honour to be with great regard,

"Sir, your most obedient, and

"most humble Servant.

"HENRY BOUQUET.

"GOVERNOR PENN."

Colonel Boquet's Journal and Conferences with the Western Indians.

Speech of Colonel Boquet, Commanding the Army upon the River Ohio, to Captn. Jacobs and the Delaware Chiefs with him at Fort Pitt, the 20th September, 1764:

"Sometime ago I received an Account from Colo. Bradstreet, Commanding the Army upon the Lakes, that the Delawares & Shawanese had begged for Peace, which he was willing to grant to them, & as you assured him that you had recalled all your Warriors from our Frontiers. Sometime before he wrote me not to proceed against your Towns, I therefore would not have proceeded, had I not heard that in open Violation of your Engagement, your party killed a Man at Rays Town and several more in Virginia, a long time after you had begged for Peace, upon which I determined to March to Fort Pitt & wait there for an answer to the Letter I wrote Col. Bradstreet, but to my great astonishment upon my Arrival at this place, I hear that one of our people has been murdered & his head stuck upon a pole in the path near the Little Beaver Creek, & that several of your Parties are still on our Frontiers.

"As I must consider you now as a People whose promises I can no more trust, I was determined to attack you as soon as the rest of the Army joined me, which I expect immediately, but I will put once more in your Power to prevent your total Destruction & save yourselves and your Families, by giving us satisfaction for the Hostilities committed against us; And first, You are to leave the Path open for my Expresses from this Fort to Detroit, & as I now intend to write to Col. Bradstreet, who commands the Army upon the Lakes, I will send my Letters by two of our Men, and I desire to know from you whether you will engage to send two of your People with them to bring them safe back to me with an answer from Col. Bradstreet. If they receive any injury either in going or returning, or if the Letters are taken from them, I will immediately put Captn. Pipe & the other Indians now in my power to Death, and will shew no mercy for the future to any one of your Nations that shall fall into my hands. I allow you ten days to have my Letters delivered to Col. Bradstreet at Detroit, or to the Command-

ing Officer there, and the same number of days to bring me back an answer from him.

"You must be sensible that during your stay here, I have had it in my power to put you all to death, & you deserved it, by refusing to speak with me when you pretended to have come as Friends, but I have not done it, to shew that you have yet a door open to mercy; and I desire that you will now go to your Towns (except the two men who are to proceed with the Expresses), and acquaint your Chiefs of what I say, and that I expect they will immediately come to me & deliver up all their prisoners, if they have not already delivered them to Col. Bradstreet, & give such other Satisfaction for the murders committed by your Nation, as I shall require of them. With this last part I send to the Chiefs this Belt of Wampum to shew them that I shall still be ready to hear them, on their giving me proper satisfaction."

A Belt.

—

Speech of an Onondago and an Oneida Indian, to Col. Bouquet, at Fort Pitt, the 2d October, 1764.

Usual Compliments, a string of Wampum.

"Brother:

"We are come to inform you that the Indians living upon this River are now in a state of Confusion; you do not see clearly what their intentions are, and we desire you to wait a little, and make yourselves easy 'till we are able to open your Eyes, as we still see you keep some evil designs in your minds against them; We, likewise desire you may remove all this from your hearts, and that you will receive them civilly, should any of them come to see you, & they will treat you in the same manner."

A String.

"Brother:

"We desire you will remember the ancient Friendship which has so long subsisted between you and the Six Nations; We have been sent by Sir William Johnson to speak to the different Nations this way, to endeavour to make up matters between you & them; and we beg you will hear them, and comply with their Requests, as they are ready to do with yours. We now see you are going against those Nations who first disturbed the Peace, who are the Senecas living down this River, the Wyandots, the Delawares, and the Shawanese.

"They are all now sincerely sorry for what they have done, & are collecting all their Prisoners from the Lower Shawanese Town, in order to deliver them up at Sandusky. What we now tell you on the behalf of these Nations is y^e^ Truth; You may depend upon ev-

ery thing we say, as we have never deceived you, knowing that if we did, God would punish us for it.

A Belt.

"Brother:

"As the Officer who commands the Army upon the Lakes has taken the above Nations by the hand, and kindled for them a Council Fire at Sandusky, where they are now going, they beg that you would likewise forgive them, as they very much repent their past Conduct, & they promise, that as soon as they have complied with their Engagements there, they will then come & ask forgiveness of you, 'till which time we desire you may not be uneasy. They have desired us to assure you, in their names, that they will be at Sandusky in five days from this date, to deliver up all their Prisoners; and we desire once more, that you will wait a little, and not be uneasy 'till you hear further from them, but consider what we have said; And as you have detained two of the Delawares that came to see you, we give it as our opinion that it would be best to let them return home, giving them a Letter to their Chiefs, informing them of your intentions.

A Belt.

"Brother:

"We beg once more that you will seriously consider what you are now going to do, and do nothing precipitately; but if you are determined to proceed with the Army, it is our opinion that it would be best for you to take the road leading to Sandusky, where you will meet with Col. Bradstreet, and there settle every thing with him. When the Terms of Peace are settled with the Nations who desire, Should any of them refuse to comply with the Terms agreed to, or break the Peace afterwards, we will join with you to chastize them. We feel as well as you the misbehaviour of those Nations, but as they now repent, we forgive them, & hope you will do the same."

A Belt.

—

Colonel Bouquet's Speech to the above, Fort Pitt, Octr. 3d, 1764.

"Brothers:

"You say that those Nations are Sorry for what they have done, and that they will make Peace with us, and deliver all their Prisoners at Sandusky.

"Brothers:

"The Delawares, Wyandots, & Shawonese are a false People, and they deceive you as they have always done; if they are sincere, why don't their Chiefs come to speak to me. They have, in time of peace, killed our Traders in their Towns; they stole all their Goods.

"They have attacked this Fort, & when I came up last Year they attacked me in the Woods, and killed some of our people, and

finding us too strong for them here, they went to the Settlements, where they murdered & carried off a great number of our Men, Women, and Children.

"When the Chenusses and all the Western Indians have made Peace with Sir William Johnson at Niagara, these People did go, but they wrote a Letter, to tell him they despised us. At last you went to Col. Bradstreet, at Presque Isle, and asked Peace for them, & told him they had recall'd all their Warriors from our Frontiers, but a long time afterwards they killed a man at Bedford, and a great many more in Virginia, and they even kill now.

"When I saw their hearts were still so bad, I came here with the Army to attack them, but I first sent to Sandusky, to inform Col. Bradstreet that they had again struck us; my messenger did not find him at Sandusky, and saw that the Delawares had killed another of our People, and fixed his head upon a Pole in the Path, after you had asked peace for them. Now that they see we know their perfidy and will chastise them, they say they are sorry for what they have done, & will make Peace, but that is not sufficient Satisfaction for us.

"Brothers:

"The General has sent me with an Army to take revenge for the Murders committed by the Delawares and Shawanese, and not to make peace, but as you say they want to be Friends with us, I will tell you what I intend to do. I will go (as you desire) by the road leading to Sandusky, & if the Chiefs of the Delawares and Shawanese have anything to say to me I will hear them at Tuscarowas, and if they are sincerely inclined for peace, I will determine at that place what they are to do to obtain it, and in case they agree with me upon the preliminary Terms, I will permit them to go to S^r. William Johnson to conclude it.

"I have detained Two Delawares, because they came here as Spys, without having to say any thing from their Chiefs, & at a time when the Delawares & Shawonese had broke the peace and struck us again. I will, however, use them well, and when peace is concluded between us & the Delawares, I will send them home.

"Brothers:

"You told Col. Bradstreet, & you now tell me, that if these Nations broke the peace you had made for them, you would join us & strike them. You see they have broke the Peace, and that their Partys are still at our Frontiers killing our people; they know this to be true, & have deceived you. I will write to Colonel Bradstreet, and hear what has passed between him & those Nations, and I ask you whether you will go with two of my people to Col. Bradstreet, and bring me an answer with my two men at Tuscarrowas, and I declare to you that if the Delawares, Shawanese or Wyandotts do them any injury, I will put the two Delaware Indians to death, and march against them, which, if they oblige me to do, they must never expect peace from us.

"You may let the Delawares & Shawonese know that on my March to Tuscarrawas, I will not kill any of their people, unless they attack me first."

A Belt.

—

October, the 3d. The Army left Fort Pitt and arrived at Beaver Creek, where John Palmer, who had been taken Prisoner the 28th of September, came to the Army, having made his Escape from the Indians the night before.

—

October, the 13th. Arrived at Tuscarrowas without any interruption from the Enemy, who kept parties upon the road to observe the motions of the Army.

—

"Camp at Tuscarrowas, October the 14th, 1764.

Received the following Message in writing from the Chief Warriors of the Delawares.

"Brother Colonel Bouquet:

"We are glad to hear the good Speeches which you made, & also that our Brother, Capt^n. Pipe and Capt^n. John, are alive, and salute us.

"We now salute you with a good heart, and shall be more glad when we meet you at Tuscarrawas; if we see our Brothers Pipe & John at a small distance, then we should think that you mean nothing but good.

Signed,

"Linechque,
"Winginum,
"Neclaw,
"Sunfish,
"Capt^n. Killbuck,
"Welapachickin."

Simon Girty,
Capt^n. Will,
Capt^n. Jacobs.
Neachablan,
Jecasso, or Tho^s. Hickman,

The above Message wrote by Mr. Gibson, a Prisoner amongst them.

Colonel Bouquet's answer:

"Camp near Tuscarrowas,
October 15th, 1764.

"Chiefs, Captains, & Warriors of the Delawares:

"I received your Letter you sent me yesterday, by which I see you are coming to speak to me; I shall be glad to hear what you

have to say, and will wait for you to-morrow at this place. You may come without fear, for I will not hurt or detain any of you, but leave you at liberty to go when you please, not doubting but you will behave in a proper manner. You will give me notice a little before hand at what time you intend to come, that I may send people to bring you to Camp.

"Capt^n. Pipe and Capt^n. John are both well, and if any of their Friends choose to see them, I will give them leave after I have heard what you have to say; and they will be set at Liberty as soon as Peace is made, which will shortly happen, if you have well considered my Message, and determined to do what is right.

Sign'd, HENRY BOUQUET."

—

CAMP NEAR TUSCARROWAS,
October 16th, 1764.

Speech of Four Senecas & two Delawares to Colonel Bouquet:

"Brother:

"We received your Message yesterday by the White Man you sent us, Expressing you was glad he returned to you after being at our Towns to acquaint you of our coming to meet you. We now thank God for giving us this opportunity of seeing one another and speaking together; And our Chiefs, Warriors, Women, & Children, return you their thanks for the Message you sent them Yesterday.'

A String

"Brother:

"We thank God for enabling us this day to wipe your Eyes, that you may clearly see our Chiefs when they come to speak with you; And we clean your Body with this String of Wampum, that you may chearfully receive to your heart the good Speeches they will make to you.

A String.

"Brother:

"As we have now wiped your Eyes and cleaned your Body in behalf of ourselves, The Senecas living on the Ohio, the Delawares and Shawanese, We inform you that the reason of our not coming sooner, is because the Shawanese are not yet come, but the Chiefs of the other two Nations are all present, and expect the Shawanese to-morrow, when they shall have a meeting among themselves; they then come to speak to you.

"Brother:

"Another reason for not meeting you sooner, was because that Colonel Bradstreet had invited us to the Lakes at the same time that you expected us to meet you at Fort Pitt. In this case, we

were at a loss which way to go, but when you hear our Chiefs, you will then be convinced that our delay was not through any bad designs against you."

A String.

Colonel Bouquett's answer:

"Brothers:

"I am glad to hear what you say; and as peace is preferable to War, I shall be well pleas'd if we agree upon Terms.

A String.

"Brothers:

"You sent me a Message yesterday, acquainting me that you would come and speak with me to day. You tell me you cannot speak to me, because the Shawanese are not come, & that when the Shawanese do arrive, you will consult together; But I now tell you, 'tis not neeessary to wait for the Shawanese, as I will hear to-day or to-morrow what the Delawares have to say by themselves, & I will not stay for the Shawanese, but will hear separately what each nation have to say; and I desire the Delaware Chiefs to speak for the Delawares only, and not for the Senecas or Shawanese."

A String.

—

Camp near Tuscarowas, October 17th, 1764.

At a Conference held with the Chiefs of the Senecas, living on the Ohio, The Delawares, and Shawanese.

PRESENT:

Colonel Henry Bouquet, Command'g his Majesty's Forces in y^e^ Southern District.

Lieuten^t^ Col. Reed, Royal Highlanders.

Lieut^t^ Col. Francis, Pennsylvanians.

Lieut^t^ Col. Clayton, Do.

Major Prevost, Royal Americans.

Major Murray, Royal Highland^rs^

Major DeHaas, Pennsylvanians.

Major Field, Volunteers.

Brigade Major Small.

Capt^n^ Stuart, Royal Highlanders.

Capt^n^ Grant, Do.

Capt^n^ Ourry, D. Q. M^r^ Gen^l^

Capt^n^ Williams, Chief Engineer.

Capt^n^ Lewis, Virginia Volunt^rs^ with sev^r^ other Gentlemen of y^e^ Army.

Mr. Alex^r. McKee, Assist^t. Agent for Indian Affairs, & David Owens, Interpreter.

Indians:

Senecas,	Beaver & 20 Warr^rs.
Keyashuta Chief, with 15 Warriors,	Shawanese,
Delawares,	Keissinuchteha, a Chief &
Custalogo,	6 Warriors.

Keyashuta and Turtleheart, Speakers:

"Brother:

"In the name and by order of the Chiefs of the several Nations here present, with this String of Wampum we clean your Ears, that you may hear with attention, what they are now going to say to you.

A String.

"Brother:

"We have done our utmost to be ready to speak to day as you desired, & we now inform you that it was owing to the Nations who live to the Westward of us, and to our foolish young men, that the War has happen'd between us, so that it is neither your fault nor ours; And as you desired us yesterday to be strong in doing good, We now throw away every thing bad, so that none of it remains in our hearts, & we join our thoughts with yours, that we may always be of one mind for the future.

Two large Belts.

"Brother:

"Now we have thrown every thing bad away, nothing remains bad in our hearts, but good. We take fast hold of the Chain of Friendship, and we, the Chiefs of the Delawares, Shawanese, & Senecas, living upon the Ohio, who are now related to the Six Nations, request you will do the same, as we cannot hold it fast without your help, & we must both look up to God, who now sees every thing that passes between us, for his Assistance. Do not think what we say comes from our Lips only; it proceeds from the bottom of all our hearts. Therefore we again request you will join both hands with ours, to this Belt of Friendship.

A Belt.

"Brother:

"We have repeatedly told you that we have thrown every thing bad from our hearts, that you should hear nothing but good from us. Col. Bradstreet has desired us to deliver up your Flesh and Blood; we now assure you it shall be done, as you have long desired to see them. Our Reasons for not complying with this request sooner was, that Col. Bradstreet held us by one hand and you by the other, so that we did not know which way to carry them. But we now desire you will inform us at what place you chuse to receive them, whether at Fort Pitt, or the Lake. We have been very dil-

igent in collecting ourselves together, with a few Prisoners, you see, to meet you."

N. B. here they delivered up 18 white prisoners.

A Belt.

"This is all we are ordered to say by our Chiefs. You will now listen to themselves here present."

Custaloga, Chief of the Delawares of the Wolf Tribe, Speaker.

"Brother:

"By this string, I confirm every thing that has been said by our Two young Men.

"A String.

"Brother:

"I assure you that the intention of my Tribe is good, and that we are determined to do what you desire of us, & deliver you up all your Flesh and Blood.

A Belt.

"I now deliver you the number of Prisoners amongst my People.'

Delivered 42 small Sticks.

Beaver, Chief of the Turkey Tribe, Speaker.

"Brother:

"You shall likewise soon see all your Flesh & Blood who are still prisoners amongst my Tribe."

N. B. Delivered 41 Small Sticks.

Keyashuta, Speaker.

"Brother:

"You have heard all we have to Say at present, and we think we have done every thing required of us by Colonel Bradstreet, who sent me to their Nations, with these Articles of Peace."

Here he produced the Original Articles of Peace, signed by Colonel Bradstreet.

The Conference intended to have been held with the Indians on the 18th, was deferred till the 20th, on acconnt of the badness of the Weather.

—

Camp near Tuscarowas, October 20th, 1764.

At a Conference held with the Senecas & Chiefs living upon the Ohio, the Delawares & Shawanese.

PRESENT:

Col. Henry Bouquet, Commanding his Majesty's Forces in the Southern District, & the Officers mentioned at the Conference of the 17th; Also, the same Indians, Chiefs, & Warriors.

"Chiefs, Captains, and Warriors:

"I wish that in your Speeches you may have expressed the true Sentiments of your nations, but we shall judge of your Sincerity, not from your Words, but from your Actions.

A String.

"You say that 'twas not your fault that this War has happen'd, but that 'twas owing to the Western Nations, and to your foolish Young Men. I answer that 'tis your fault, because we might have protected you against these Nations had they attempted to force you to make War upon us. And as to your Young men, it is your duty to chastize them when they do wrong, & not suffer yourselves to be directed by them.

A String:

"I am glad to hear you have thrown every thing bad out of your hearts, & that you are now sincerely disposed to take fast hold of the Chain of Friendship, which, as soon as a Peace is made with you, We shall likewise hold fast.

A String.

"You say the reason of not delivering your Prisoners sooner, was because Col. Bradstreet had told you to deliver them to him at Sandusky, & I had told you to deliver them to me. You know by the treaty made with Colonel Bradstreet, and now in your hands, and to which I appeal, you promised expressly to deliver all the Prisoners to him at Sandusky, in Twenty-five days after the 14th of August, when the said Treaty was Signed. And if you failed in the performance of that Article, the peace was then broke from that moment. The day on which the prisoners ought to have been delivered, was the 8th of September, and my first Message to you in writing (and in your hands), is dated at Fort Pitt, the 20th of September, 12 days after the time fixed was elapsed, and not being sent till the 22d, you could not receive it in your Towns before the 27th; therefore, that Message cannot in any manner excuse you for breaking the Peace in not delivering your prisoners either to Col. Bradstreet or to me, from which 'tis very evident that as usual, you never intended to deliver them. Again, when you begged for peace, you assured Col. Bradstreet that you had re-call'd all your Warriors from our Frontiers, & you know contrary to that Declaration they have continued to murder our People, and to take them Prisoners, to this day, which we can prove by an old Man here present, who was taken on the 28th of September, 45 days after the Peace made.

"I have, besides, certain information that you were determined to pay no regard to that peace, and had actually collected all the Warriors of the Mingoes, Delawares, and Shawanese, to attack this Army, if you had found you had a sufficient force for it. Having now answered and refuted every thing you have said in excuse for your breach of the Peace, I am commanded by the General to declare to you, that as you have broke the peace granted to you by Col. Bradstreet, he, likewise, break it on his side, and S^{r} William Johnson

has already informed the Six Nations, and all the Western Indians of your perfidious Behaviour to us.

A Belt.

"You must be sensible that you deserve the severest Chastisement, but the English are a merciful and generous people, averse to shed the blood even of their most cruel Enemies; & if it was possible that you could convince us that you sincerely repent of your past Conduct, and that we could depend on your good Behaviour for the future, you might yet hope for mercy & peace; but, before I tell you the Terms, I will recapitulate the many Injuries & insults we have recently received from you, or your Allies, which have at last occasioned the march of the King's Army into your Country.

A Belt.

"You have begun this War without the least reason or provocation whatsoever; You have in time of profound peace, & without having received the least injury, murdered Captain Clapham, who had been a Friend & a Father to many of you.

"You have killed or Captivated all the Traders sent to your Towns at your own repeated request, & plundered their effects.

"You have dared to attack Fort Pitt, to the building of which you expressly consented, when in presence of George Croghan, Deputy Agent for Indian Affairs, I made the first Treaty with you upon the Ohio, after we had dispossesed the French of Fort Duquesne, and several of you now present, assisted at that Treaty. You murdered, treacherously, last Year, one of our men sent in a Canoe from Fort Pitt to bring over the Ohio some of your people who pretended they had a Message to deliver to the Commanding Officer, and you violated, by that horrid Crime, the Custom held sacred by all Nations, not to kill persons employed in publick Messages, even in time of War.

"You attacked, soon after, the King's Troops in the Woods, and being defeated in the attempt, you fell upon our Frontiers, where you have continued to murder our people to this day.

"One of your partys killed, lately, in one day, eleven Children at a School, and not satisfied with that infamous action, they massacred, near the Little Beaver Creek, the only Boy they had spared, & had the impudence to fix his head upon a pole in the middle of the path, and this they did after they had begged Peace from Colonel Bradstreet. You have constantly declared that you would never make Peace with the English, and when the Senecas and Western Indians begged for peace, you alone, have pretended to stand out, declaring that you despised all the Efforts we could make against you, as appeared by that insolent Letter you obliged Thomas Smallman to write, and sent to Sir William Johnson at Niagara.

"Your Conduct has always been equally perfidious, you promised at every former Treaty, as you do now, that you would deliver up all your Prisoners, and have received every time on that account

considerable presents, but you never comply'd with that nor any of your Engagements.

"You know that all these charges are true, and only a small part of the numberless murders, Depredations & breaches of Faith you have been guilty of; and I am now to tell you, that we will no longer be imposed upon by your promises, & that the Army shall not leave this Country until you have fully complied with every Condition that is to precede any Treaty with you.

A Belt.

"I have brought with me the relations of those people you have massacred or taken prisoners, they are impatient to take revenge of the Bloody murderers of their Friends, and it is with the greatest difficulty that I can protect you against their just resentment, by assuring them that no peace shall be granted you till you have given us a proper Satisfaction.

"Your former Allies the Ottawas, Chippawas, Wyandots, &c., have made this peace with us, and the Six Nations have joined us against you.

"We now surround you on every side, having possession of all the Waters of the Ohio, Mississippi, the Miamis & the Lakes. All the French living in those parts are now Subjects to the King of Great Britain, and dare do longer assist you.

"It is consequently in our power to destroy you, but if I find that you execute faithfully the Conditions I shall require of you, I will not treat you with the Severity you deserve.

"I give you twelve days from this day to deliver up to me at Wickatamike all the prisoners in your possession, without any exception. Englishmen, Frenchmen, Women and Children, whether adopted in your Tribes, married or living amongst you, under any denomination, or any pretence whatsoever, as also all negroes, & to furnish all the said prisoners with cloathing, provision & horses, to carry them to Fort pitt.

"When you shall have fully complied with this preliminary Condition, I will then let you know on what Terms you may obtain the Peace you sue for."

A Belt.

October the 20th, 1764. Col. Bouquet having required the Chiefs to appoint a man of each Nation to attend him on his March to the place fixed, they named Keyashuta for the Senecas, Turtle-heart and Custalogo's Son, for the Delawares, and James Smith for the Shawanese.

Keyashuta, addressing himself to the Nations present, desired them to be strong in performing every thing then required of them, and they had been accused of having told lyes always before, to be now punctual in the Execution of their promises, to convince their Brethren that they could speak truth; he adds that he would conduct the Army to the place appointed for delivering up the prisoners.

Keisinantcha, Chief of the Shawanese, said he would immediately go to inform his Nation of every thing he had heard, but as the distance was great they could not be at Waghatawmaky in 10 days, when they would certainly meet us and comply with every thing required of them, & that he expected the Shawanese would be treated in the same manner as the Delawares.

October 22d, 1764.—The Army proceeded, attended by a number of Senecas, Delawares, & Shawanese, and arrived at the Forks of the Muskingham the 25th, this place having been fixed upon as more Centinal than Wackatamaha, to receive the prisoners.

27th October.—Col. Bouquet sent a Shawanese with a Message to his Nation.

First: desiring them to be punctual as to the day for delivering up their prisoners.

Secondly: as they had expressed some uneasiness in our not shaking hands with them, to tell that only the English took their friends by the hands, and that they could not expected to be treated as such till a peace was concluded with them.

Thirdly: To bring the Letters wrote for Col. Bouquet by the French Officer Commanding at Fort Charter, which were sent last Winter by three Shawanese, but detained by their Nation.

4thly. To provide themselves with a sufficient quantity of provisions to subsist their people and their prisoners during the time necessary to settle matters at this place.

28th.—The above messenger returned and informed Bouquet that he did not proceed all the way with his Message, but having delivered it, Waghatowmaky, the Chief of that town, proceeded himself with it, & desired him to return & acquaint the Colonel that he had already collected all his own prisoners, which would arrive in two days, & that he was going to the lower Shawanese Towns to hasten the people to bring their prisoners.

A String.

29th.—Custalogo arrived with his prisoners.

30th.—Custalogo informed Col. Bouquet, by a String of Wampum, that as soon as his people was all come, which he expected tomorrow, he would then speak to him.

A String.

Col. Bouquet informed him he would have been glad to have heard him to day, but as there was yet two days of the time appointed to come, he would not hurry him.

31st.—Arrived the Big Wolf and seven other Shawanese, And delivered up 8 White prisoners, and informed Colonel Bouquet that they were sent by their Chiefs to assure him that he might depend upon seeing them with all their prisoners at this place.

A String.

Col. Bouquet's answer:

"I am glad to see you in so good disposition, & that you have brought these prisoners before the time fixed in delivering

the whole up, & I hope your chiefs will follow your Example, & deliver every drop of White blood in your Nation."

A String.

November the 1st.—Custaloga & Keyashuta, with several other Indians.

"Brother:

"Two days ago we appointed to meet you to-day, and we desire you will listen to us.

A String.

"Brother:

"On our first meeting you at Tuscarowas, you then desired to see your flesh and Blood at this place, agreeable to which we, the Delawares, now deliver you up 32 English prisoners, and the Senecas present deliver you 3; there is yet amongst them four more, which they have sent for and will be here to-morrow.

A Large String.

"Brother:

"We have told you both at Tuscarowas and this place, that we would strictly comply with your desire in delivering all our prisoners, & now the four Nations, which this Belt represents, join as one and have agreed to follow your advice, and further are determined to prevent & defeat any bad designs that may be formed against you by any Nation whatever. The Wyandotts have made peace with Col° Bradstreet, but notwithstanding joined with us in delivering you this Belt, to renew their Frienship with you."

A Belt.

They then addressed themselves to the Cochnewagas present, in substance of the above speech, with a String.

Colonel Bouquet's answer:

"I have heard with pleasure the good Speeches you have made to me, & I receive these prisoners as a mark of sincerity of the promises you made at Tuscarowas, and I recommend to you to be always sincere in your Transactions with us, and as it is the only means to make us forget what is past, and to bring about a reconcilation, you must not forget that there is a number of prisoners amongst you; and till the last of them are delivered up, I cannot proceed to the good work of peace."

A String.

November 2d.—We sent to Sandusky an Officer and three Men of the Virginians, and two Cocknowaga Indians, with a Message to the Wyandots, ordering them to deliver up all the prisoners they had left.

This day King Beaver arrived with his prisoners.

3d.—Received a Message from the Shawanese Chief, acquainting Colonel Bouquet that they were coming with all their prisoners. Col. Bouquet sent them an answer to hasten them, & a string of Wampum, to bring the Four French men who lived amongst them.

The same day, having an Intelligence that some French traders was arrived at the lower Shawanese Towns, Michael, with two Cochnawago Indians, was sent off with a Message to the Red Hawke, Chief of that nation, requiring him to have the said Traders seized and brought to Colonel Bouquet.

Custalogo and King Beaver, with several others.

"Brother:

"It is now late, and we can say but little, but to-morrow you may be assured in hearing of every thing we have to say.

A String.

"Brother:

"We now deliver you fifty-seven Prisoners. Our reasons for doing it to-night, perhaps some of them may attempt to run away. You can take better care of them than us, and to-morrow we will speak to you.

A Belt.

4th.—The Indians sent in a Message that they was ready to speak. Col. Bouquet sent them for answer, that he would not admit them to speak till they had delivered the remainder of their prisoners.

5th.—King Beaver delivered up eight White prisoners, & Custalogo deliv$^{d.}$ up three prisoners.

Mr. Michael returned with the two Cochnewaga Indians, having been stopt by Keissuntchatcha, the Chief of the Shawanese, at Waghatamaky, who informed him that the Chiefs of the Lower towns were all gone down to the French, and that he would do no Business there, if even he proceeded, and that all the people of the Lower town were on the way, with all their prisoners, to meet Colonel Bouquet.

6th.—Owens, Turtle heart, a Delaware Indian, were sent to the Shawanese to know whether they were coming, and the time they would be here. Owens returned from the Shawanese the 7th Instant, & said they would arrive with their prisoners y^{e} 9th ins$^{t.}$

A Soldier was found killed in the Woods; The Indians were suspected, & the following Message was delivered to their Chiefs:

"Keyashuta, One of our Soldiers has been killed this morning near the White Woman's Creek. As this murder has been committed in the Country of the Delawares, I expect that they will find out and deliver to me the murderer; & till they do it, I shall make that Nation answerable for the murder; Therefore acquaint, forthwith, the Chiefs of the several Tribes of the Delawares with this, that they may exert themselves toward the Discovery of the murderer."

A String.

The Chiefs promised to deliver up the murderer, if they could discover him, and sent five Indians in pursuit of a Wyandot, whom they believed to be guilty of that Crime.

8th.—Sent a Message to the Shawanese, to acquaint them with it, and to desire them to come in with their Prisoners, and not be afraid on account of that murder.

The Shawanese sent Thomas Smallman, a Prisoner, among them, to the Camp, with some of the Horses stolen by the Senecas, & sent word they would come in the 10th with their Prisoners, and sent the following Letter:

"Waghatawmaka, 8th November, 1764.

"Brother:

"We the Shawanese, have thought proper to send our Friend Mr. Smallman to acquaint you of our arrival at this place, and have, according to your desire, brought with us a great number of your Flesh and Blood, which should have been given up to you before now, had we not heard some evil reports that you had some bad designs against us. We now dispatch the Bearer, with one of our young men, to know the Truth of it, & shall, upon your invitation of writing, proceed with all the prisoners to your Camp. We, the Shawanese, are come with no other intent than to see you, and ratify & confirm our antient Friendship, & to make an ever lasting peace with you, our Brothers.

"I am, in behalf of the Shawanese,

"Your Friend and Brother,

"RED HAWKE, or

"MESQUAPAMESQUE, Chief Captain."

—

At a Conference held with the Senecas, living upon the Ohio, and Custalogo Tribe of Delawares, at the Camp upon Muskingham, Nov^r. 9th, 1764.

PRESENT:

Col. Henry Bouquet, Commanding his Majesty's Forces in y^e. Southern District, and all the Officers mentioned, & several Gentlemen of the army at y^e. former Conference.

Mr. Alexander McKee, assistant Agent for Indian Affairs.

Indians:

Senecas, Keyashuta, Chief & 10 Warriors, Delawares, Custalogo, Chief & 20 Warriors.

Keyashuta, Speaker:

"Brother:

"The misfortune which has happened of one of your people being murdered the day before Yesterday, gives us the Same Sorrow it gives you, and we beg that this accident may be no hindrance to the friendship already begun between us."

A String.

"Brother:

"By this String of Wampum we wipe the tears from your Eyes, and remove from your heart the resentment which this murder has raised against us, and we hope that you will throw away every thing bad that this may have occasioned, & hear us fully."

A String.

"Brother:

"We have strictly complyed with your desire, and now deliver you these three prisoners, which are the last of your Flesh and Blood that remain among us; the Senecas and Custalogo's Tribes are now gathered together, and bury with this Belt all the Bones of the people killed during this unhappy War, which the evil Spirit occasioned amongst us.

"Brother:

"We cover the bones which have been buried, in such a manner that they may never more be remembered.

A Belt.

"Brother:

"We cover them again with leaves, that the place where they are buried may never more be seen."

A String.

"Brother:

"As we have been a long time astray, and the path between us & you stopp'd, we hope the path will be again clear'd; & we now extend this Belt of Wampum between you & us, that we may again travel in peace to see our Brothers as our ancestors formerly did, and as you will hold it by one end and we by the other, and we hope we shall always be able to discover any thing that may happen to disturb our Friendship."

A Belt.

"Brother:

"As we have now extended a Belt representing a road between you and us, we beg that you will take fast hold of it, that the path may always be kept open between us. This is all we have to say at present.

A String.

Colonel Bouquet's answer to Keyashuta & Custalogo, at the Camp upon Muskingham, November 9th, 1764.

"I have heard, with pleasure, the Speeches you have made, which I shall now answer.

A String.

"Two days ago one of our men was murdered. I do not charge you, personally, with that murder, but as it has been committed in

your Country, the Blood must remain upon your heads till the murderer be delivered up to be punished Capitally.

A String.

"I received this three last prisoners, which you now deliver up, and I bring the Bones of the people who fell in the War, so the place be no more seen.

A String.

"Your readiness in complying with every condition I have already required of you, convinces me that your Intentions are upright, & consequently I will now treat you as Brethren, and speak to you as such.

A String.

"Brother:

"You ask Peace; the King, my Master, and your Father, has appointed me to make War upon you, but he has other Servants who are employed in the Work of Peace, and his Majesty has been pleased to impower Sir William Johnson to make Peace with the Indians. It is to him, therefore, that you are to apply, but before I can give you leave to send to him, two things are necessary to be settled; the first is that, as peace is not yet made, you will deliver to me four Officers or Hostages, Viz^{t}: Two for the Senecas, & two for Custalogo's tribe, who are to remain in our hands, at Fort Pitt, till the Peace is concluded with S^{r} William Johnson, as a Security that you shall commit no hostilities or violence against any of his Majesty's Subjects or Propertys, and when the Peace is made, they shall be delivered back to you.

A Belt.

"The Second is, that the Deputies you are to send to Sir William Johnson be fully impowered by you to treat for your tribes, and that you engage to abide by what they shall stipulate in that Treaty. Sir William Johnson will settle every thing concerning Trade, or any other point necessary to render the Peace everlasting.

A Belt.

"Brother:

"The deputys you are to send to Sir William Johnson, as well as the Hostages to be deliver'd in my hands, are to be named & presented to me for my approbation.

A String.

"I will inform S^{r} William Johnson of what has passed between us, and I speak to you now on your own Belts, that your deputys may repeat to Sir William Johnson all you have said to me.

A Belt.

"Brothers:

"I believe that you have now delivered up all the prisoners you had in your Tribes, but, if any should yet be discovered amongst you hereafter, you are to deliver them at Fort Pitt, as well as any of those now delivered up that might return to you.

A String.

"Brothers:

"You have not mentioned to me Capt^n. Pipe & Capt^n. John, who are both detained at Fort Pitt, but I have not forgot them, but as you have now delivered to us all our people, I will return to you these two; there are still more of your people among us, but as they are not my prisoners I cannot dispose of them, but I will recommend it to the General to have them given to you when the peace is concluded." The Col. then for the first time took the Chief by his hand, which occasioned great Joy amongst them.

At A Conference held with the Turtle & Turkey Tribes of the Delawares, at Camp as aforesaid, November the 10th.

PRESENT:

Col. Bouquet, with the Officers mentioned in the former Conferences and several other Gentlemen of the Army.

Indians.

King Beaver, Chief of the Turkey Tribe & 20 Warriors; Kelipama, Chief of the Turtle Tribes with 25 Warriors; Custalogo, Keyashuta, with the Indians pres^t. as yesterday.

"Brother:

"It gave us great satisfaction to hear the good Speech you made yesterday to one of our Tribes, and as you desired at Tuscarowas to see your Flesh and Blood, I now deliver you thirteen, who are the last we have remaining in our two Tribes, and it will likewise give us great pleasure that you will take us once more by the hand as your Brethren, that we may have the road now open for us in peace to see you.

A String.

"Brother:

"I return you a great many thanks in behalf of the Chiefs, Warriors, Women & Children of our three tribes, who are all glad to embrace peace once more with their Brethren, and we likewise return God thanks for giving us the opportunity to take you by the hand in peace, which shall never more be broke on our side. Our young men shall now think of nothing but hunting, to exchange their Skins and Furs with their brethren for Cloathing.

A Belt.

"Brother:

"Should we at any time discover any of your people who are not now delivered to you, they shall immediately be sent you, as well as those who may attempt to return to us.

A String.

"Col. Bouquet desired to know before he spoke to them, the reason there was no Chief of the Turtle Tribe; they answered

their Chief was not present, but that his Bro^r Kalatama acted for him; the Col. asked them whether they would chuse to have the Speech delivered yesterday to the Senecas & Custalogo Tribes repeated to them, which they said they would be glad to hear from himself, upon which the same was repeated, with the following addition, that an Englishman who had murdered some of our people had brought the scalps to their nation should be immediately delivered up, & that each Tribe should deliver the same number of Hostages, & appoint the same number of Deputys, as had been stipulated to S^r William Johnson."

A Belt.

Novem^r 10th.—In the evening return'd the Officer and three Men of Virginia Volunt^rs who had been sent the 2d inst^t with a Message to the Wyandots, and brought the following Mess^ge from one of their Chiefs :

" To Colonel Bouquet.

"As I have rece'd certain intelligence that all our Chiefs have left their Towns, & gone some distance to the Westw^d to hunt, I hope you may not take it amiss that I do not proceed after them, being unacquainted of the places they may resort to. But I will send one of your young men this Winter to deliver your Message to them, their answer to which you shall be acquainted with early in the Spring, at which time we can conveniently carry all our prisoners to Fort Pitt.

Signed,

" OTERUNQUE."

Wrote the 8th November, near the head of Scioto.

The above Officer was informed at a Delaware Town that the Wyandots had pass'd that Town with a number of horses which they had stole from the English.

—

At a private Conference held with the Chiefs of the Delawares, 11th Inst^t

PRESENT :

Col. Bouquet, Capt. Reid, Capt. Ourry, Mr. Alexander McKee.

Indians :

Custalogo, King Beaver, The new comer.

King Beaver spoke :

" Brother :

" Yesterday you desired that we would appoint & present to you the hostages to be left in your hands. We have named Six, and also five to go to S^r William Johnson. They are men of Experience, on whom we can rely, and proper to treat for us. Their names are :

Hostages:

Mondeaticker,
Mendies or Davis,
Killachkpcher, or Andrew Trump,
Katepacomen, or Simon Girty,
Pessquelonckina, or To Compass,
Waytskonowas.

Deputies:

Killbuck,
Keyereyanghing,
Lahalapowhy, or Kitchin,
Telapiskeva,
Luquest, or flower.

"Brother:

"You desire to know the Deputys & Hostages we should appoint; you have now their names, and these are the men. You also required of us the man who had killed one of your Soldiers; it is not in our power to deliver him, but as soon as we can discover who he is, & of what Nation, we shall inform you, and then you can demand him of his Chief."

A String.

Colonel Bouquet's answer.

"Brothers:

"I am glad you have appointed the deputys and Hostages required of you. I have no objection to the persons you mentioned; they shall be well treated, & we shall take the same care of them as of our own people.

"I am satisfied for the present with what you say in regard to the man who has struck us; as soon as I shall know of what Nation he is, I shall demand him of his Chief, and you will then be clear of the blame.

"I do not think it proper that any of your people should go to our Settlements, The Inhabitants not yet being reconciled to you, but if some of you are desirous of going to Fort Pitt, you may with safety."

A String.

The Beaver spoke:

"Brother:

"We now produced to you the Deputies we intend to send to Sir William Johnson; as they cannot understand nor express themselves in English, We beg you will send an Interpreter with them."

A String.

Col. Bouquet's Answer.

"Brothers:

"You shall have from me all necessary assistance, & if you tell me what man you chuse for an Interpreter, I will appoint him."

A String.

The Beaver's reply:

"As Owens speaks our language so well, and is accustomed to the Woods, We should be glad that he could accompany them."

Colonel Bouquet:

"They shall have him."

The Colonel then spoke to their Chiefs:

"The Chief of the Turtle Tribe having given me great reason to be dissatisfied with his Conduct, I depose him this moment; he is no more Chief; That Tribe is therefore to choose another Chief, & present him to me, and I will confirm him, and he shall be King of the Turtle Tribe, and acknowledged as such by the English."

A Belt.

Richoumeack, for the Two feathers, & Cockadau, is to go with the Captives to Fort Pitt.

—

Minutes of a Conference held with the Shawanese, Nov^r 12th, 1764.

PRESENT:

Col. Bouquet, with the Officers and several Gentlemen, as mentioned in the former Conferences held with the Delawares.

Indians:

Keissenanethat, &	Lawissimo,
Nimisha,	Binsivasina,
Shawanese,	Ewenecumee,
Chiefs, Red Hawke,	Keightughque, & 40 Warriors.

The Red Hawke, Speaker.

"Brother:

"We are come to this place to see you, & thank God that we are here met together, which gives us all a great deal of pleasure.

"Brother:

"You will listen to us, who are your Young Brothers, & as we discover something in your Eyes which shews you are not satisfied with us, We now wipe away every thing bad between us, that you may see clearly; and as you have heard many bad Stories, We likewise clear your Ears, that you may hear us speak, & remove every thing bad from your heart, that it may be like the heart of your Ancestors when they thought of nothing but good; we now hope, as you are a Warrior, that you will think of nothing but good.

A String.

"Brother:

"When you arrived at this place, & we were informed of your desire, we immediately set about gathering your flesh & Blood, and accordingly all that could be collected by this time we have here brought to you, but there remains more among us, which you may assure yourselves you may see in the spring.

"Brother:

"One Year and an half ago we made a Peace with you at Fort Pitt, which was soon after broke, but that was neither your fault nor ours, but the whole blame is to be laid on the Ottawas, who are a foolish People, and are the cause of this War. When we now saw you coming this road, you advanced towards us with a Tomahawk in your hand, but we, your younger Brothers, take it out of your hand and send it up to God to dispose of it as he pleases, by which means we hope never to see it more; And now, Brethren, we beg leave that you, who are a Warrior, will take hold of this Chain of Friendship & receive from us, who are always Warriors, & let us think no more of War, but to take pity on our old men, Women and Children.

A String.

"Brother:

"Since the peace we made at Fort Pitt, many of our Young men on both sides have been killed by this War, occasioned by the Ottawas, but I now bury their bones, so that they shall be no more seen.

"Brother:

"Now we have thrown away every thing bad out of our hearts, we hope you will hear favourably, our good men who are not now at home, but will surely come and speak with you in the Spring at Fort Pitt, and then you shall hear nothing but good.

A Belt.

"This is all your younger Brethren have to say to you at present."

They then produced the following Messages, Letters, and Treatys, which were read:

"A Treaty held with them in April 21th, 1711."

"A message from Governor Gordon, December 4th, 1750."

"A Letter from Thomas Penn, Jan^{y} 18th, 1732."

"Another Letter from Governor Thomas, 15th August, 1742."

"'After which he added, now Brother I beg that you who are Warriors may forget our disputes, and renew the ancient Friendship which appears by these papers to have subsisted between our Ancestors."

Col. Bouquet's answer:

"Captains and Warriors:

"I have heard your Speaker & have seen the papers you have laid before me; I shall take them into Consideration, & to-morrow morning I will give you my answer at this place, in the meantime I will receive the few prisoners you have brought us." They delivered 36 prisoners.

At a Conference held with the Shawanese at Muskingham, 14th Novr 1764.

PRESENT:

Colonel Bouquet, with the same Officers and Indians at a Conference of the 12th.

Col. Bouquet's Speech to the Shawanese:

"Captains and Warriors:

"The Speeches you deliver'd the day before Yesterday would have been agreeable to me if your actions had corresponded with your words. You spoke much of your disposition for a peace, but at the same time you neglected to comply with the only Condition upon which you can obtain it. To set this matter in a clear light, I will repeat to you what has pass'd between me & your chiefs: I received a message by two Indians at Fort Pitt, of the Six Nations, who are impower'd by the Senecas living upon the Ohio, the Delawares, Shawanese, to ask for peace. I told them if they were desirous of peace, your Chiefs should come to Tuscarowas, and speak themselves to me; accordingly, Kussenauchtha met me at that place a month ago, with some of your people, and having heard the Condition prescribed to the Senecas and Delawares, he told me he likewise accepted them for the Shawanese, & that they would certainly come to me at this place in ten days, when they would deliver up all their prisoners. In consequence of that Engagement, I did not attack you as I had intended, but have waited for you at this place ever since. You are come at last, bringing only a small parcel of the prisoners, and you propose putting off the rest till the Spring. The Delawares have been equally concerned with you in this War; they have submitted to the Conditions I required of them, fully complying with every part of their Engagements with me, & have given me entire satisfaction by their Conduct in the Course of this Transaction. What right have you to expect different terms? I shall cut this matter Short with you, and before I explain myself further, insist upon your giving me an immediate answer to the questions I shall ask you.

A String.

"1st. Will you immediately collect and deliver up all the prisoners in your possession, Men, Women, and Children, & the French, living among you, with all the Negroes you have taken from us, either in this or in any other War, & that without exception or Evasion whatsoever.

"2d. Will you give Six of your people as Hostages, to remain in my hands as Security that the above prisoners shall be delivered without delay, and that your Nation commit no Hostilities against the persons or propertys of his Majesty's Subjects."

A Belt.

Their answer.

(Benwisaker, Speaker).

"Brother:

"What you have now required, we agree to; Six of our people shall go with you as Hostages, and I, myself, will immediately return to our lower Town, and collect all your flesh and Blood, that you may see them as soon as we can carry them to Fort pitt; as to the Frenchmen you desire to be delivered up, we cannot do it; they are your prisoners, do with them what you please; but we believe they are return'd before this time to their own Country."

Here they named the following Hostages:

Red Hawke, or Mesquepalathee, Keightighqua, or Tawnamebuck, or Comblade, Wakecawpa, or White Legs, Ewickunwee, or Hurstler, Neightthakeina.

Colonel Bouquet's answer:

"Captains & Warriors:

"As you have consented to the Terms I offered you, I will now treat you with the same indulgence I have shown to the Delawares, and put you in the way to renew the Friendship which formerly subsisted between us.

A String.

"I came here determined to strike you with a Tomahawk in my hand, but since you have submitted, it shall not fall upon your heads, I will let it drop and it shall no more be seen. I bury the bones of all the people who have fallen this War, and cover the place with leaves, so that the place shall no more be perceived.

A Belt.

"Having now buried the dead, and seen that you have removed every thing bad from your hearts, I will again treat you as Brothers & speak to you as such.

A String.

"Brothers,

"As you are now going to collect all our Flesh and Blood remaining among you, to deliver them up as soon as possible at Fort pitt, I desire you will use them with tenderness, and look upon them as Brothers and no longer as Captives, and as they have several relations who are anxious to see them, I intend to send some of them with you from this Army, and I intend to send some to assist you in bringing them to Fort pitt.—I hope you will give them all the assistance in your power.

A String.

"Brothers,

"I have now settled with you every thing as Warriors, what remains concerns the peace, and will be settled with your Chiefs."

Colonel Bouquet's speech to the Chief of the Shawanese:

"Brothers,

"Every condion preliminary to a peace having been concluded upon between us, I permit you to appoint Deputys to go to Sir William Johnson to make peace;—The same Deputys are to have the like power to treat for your nations, and you are to promise to execute punctually what shall be stipulated to them at that Treaty; as soon as you have appointed them you will present them to me & I will give them Letters for Sir William Johnson, to inform him of what has passed between us at this place."

A Belt.

The Cochnewagas, addressing the Shawanese with a string of Wampum, told them they were glad to see them settle matters peaceably with their Brethren the English, & bid them be strong in doing good, & that then peace would last forever.

A String.

King Beaver, addressing the Shawanese.

Grand Children,

"I gives me great pleasure to see you comply with every thing required of you by your Brothers the English, and as they have desired to see all their Flesh and Blood, be strong, deliver them all up as we have done, & then we may expect everlasting peace, and observe what our Uncle Cochnewaga Indians have said to you."

A Belt.

Keyashuta, addressing the Shawanese.

"Brothers,

"Be strong and perform every thing you promise, & I desire you will appoint some of your wise men with the Deputys going from the Delawares and us."

Bennawisker, returned the Cochnewagas and Senecas thanks for the good advice they gave them, and said his nation would hold fast by the Friendship now settled, as it was what they long wished for.

A String.

Then told Colonel Bouquet that he would immediately go back to his Towns, to make his people acquainted of what had pass'd, as it would give them all a great deal of pleasure.

The end of the Journal & Conferences with y^e^ Western Indians.

"*By the Honourable JOHN PENN, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, and Sussex, on Delaware.*

"A PROCLAMATION.

"WHEREAS, I have received information from Colonel Henry Bouquet, Commanding his Majesty's Forces on an Expedition against the Delaware and Shawanese Indians, and others concerned with them in committing Hostilities against his Majesty's Subjects within this Province, that at several Conferences he very lately held with the said Enemy Indians, and Senecas living on the Ohio, at Tuscarowas, Muskingham, & other places in the Indian Country, They had, in the most humble and submissive manner, sued for peace, and had ageeed to and complied with the Terms he had prescribed to them, by the actual delivering up above Two hundred Prisoners, & giving Hostages as a Security for restoring all that yet remain in their possession, and that they should commit no further Hostilities against any of his Majesty's Subjects; And upon these Conditions, that he had granted the said Delaware and Shawanese Indians, & Senecas living on the Ohio, permission to send Deputies from their respective Tribes to Sir William Johnson, his Majesty's sole Agent for Indian Affairs, to conclude with him a final and lasting Peace. I have therefore thought proper, by and with the advice of the Council, to issue this Proclamation, hereby strictly charging and commanding all Officers, Soldiers, and others, his Majesty's Subjects within my Government, that they cease and forbear carrying on an Offensive War, or committing any Acts of Hostility against any of the said Delaware, Shawanese, or Seneca Indians, until my further pleasure shall be made known therein, as they will answer the contrary at their peril.

"*Given* under my hand and the Great Seal of the said Province, at Philadelphia, the fifth day of December, in the fifth Year of His Majesty's Reign, and in the Year of our Lord, one thousand seven hundred and Sixty-four.

"JOHN PENN.

"By His Honour's Command.

"JOSEPH SHIPPEN, J^r^, Secretary.

"GOD SAVE THE KING."

At a Council held at Philad^a on Friday the 7th December, 1764.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Lynford Lardner,
Thomas Cadwalader, } Esq^rs
Richard Penn,

The Governor laid before the Board a record of the Conviction of Jane Ewing, of Chester County, for murder, at a Court of Oyer and Terminer and General Gaol Delivery, held at Chester the 30th day of November last, before William Allen, Esq^r Chief Justice, and Alexander Stedman, Esq^r one of the Justices of the Supream Court, by which record it appeared that the said Jane Ewing was legally tried and convicted of Felony and murder, committed on her own Bastard male Child, the 3d day of April, 1763, and had received sentence of death for the same; The Board taking the matter into Consideration, advised the Governor to defer the coming to a resolution on it till a future time, in order to discover from the Friends or neighbors of the said Jane Ewing, whether there may not be some favourable Circumstances in her case to alleviate her Guilt.

The Commission of the Peace for Bucks County was again considered, and the following Gentlemen were agreed on to be Justices of the General Quarter Sessions of the Peace & of the County Court of Common Pleas for the County of Bucks, and a Commission was issued accordingly, viz^t:

The Members of the Proprietary & Governor's Council, &

Gilbert Hicks,
Joseph Hart,
Richard Walker,
John Jameson,
Jno. Abr. Denormandie,
Jacob Bogart,
Thomas Barnsley,
Joseph Kirkbride,
John Wilkinson,
Wm. Yardley,
Henry Winecoop,
Robt. Patterson,
Wm. Irvin,
Benj. Mathews,
John Greer,
John Harris.

A special Commission was also issued appointing John Adlum and William Smith, Esq^rs Justices of the Peace and of the County Court of Common Pleas for the County of York.

At a Council held at Philad^{a} on Wednesday, y^{e} 9th Jan'y 1765.

PRESENT.

The Hon'ble. JOHN PENN, Esquire, Lieuten^{t} Governor, &ca.

Benjamin Chew,
Lynford Lardner,
Richard Penn,
} Esq^{rs}

The case of Jane Ewing, convicted of Felony and Murder committed on her own Bastard Male Child, being again considered, & there appearing to the Board not a single Circumstance in her favour, but on the contrary, it being reported to the Governor by the Justices of the Supream Court that she discovered on her Tryal no kind of remorse, & that her case was attended with aggravated Circumstances, the Council advised the Governor to issue a Warrant for her Execution on Saturday the 19th day of January instant.

In the Council Chamber, Philad^{a} Thursday 10th Jan^{y} 1765.

PRESENT:

The Hon'ble. JOHN PENN, Esquire, Lieutenant Governor, &ca.

Lynford Lardner,
Richard Penn,
} Esq^{rs}

A Committee of Assembly yesterday waited on the Governor, and acquainted him that the House were met pursuant to Adjournment, and requested to know at what hour to day they might present their new Speaker, whom they had made choice of at their last meeting, during his Honour's absence, in the room of Isaac Norris, Esq^{r} who, by his indisposition, was rendered incapable of attending on the publick Business, And the Governor having appointed this day at 12 o'clock for that purpose, sent a Verbal Message by the Secretary, to the Assembly, that he was ready in the Council Chamber to receive the House with their Speaker, & required their attendance.

The whole House accordingly attended, and presented Joseph Fox, Esq^{r} as their Speaker, whom the Governor was pleased to approve of. Mr. Speaker then said as his predecessor had already claimed, in behalf of the present Assembly, their usual privileges, it was unnecessary for him to renew that Claim, except in respect to himself as Speaker, Viz^{t}: "That his unwilling mistakes might be excused, and not imputed to the House," which the Governor was pleased to allow.

Jan^{y} 17th, 1765.

MEMORANDUM.

The Governor this day wrote a Circular Letter to the several provincial Commissioners of appeal in the words following, viz^{t}:

"PHILAD$^{A.}$ 17th January, 1765.

"Sir:

"The Proprietors having signified to me that they do not wish or desire that their located uncultivated Lands in this Province may be taxed in any other manner than at the lowest rate at which any located uncultivated Lands belonging to the Inhabitants, under the same Circumstances of Situation, Kind & Quality, shall be assessed, any thing to the Contrary in a Judgment or decree of his late Majesty in Council notwithstanding, I take this opportunity of communicating to you their Sentiments on this head, to prevent any disputes and remove any Objections which may possibly arise in the assessing that part of the Proprietary Estate under the late Act of Assembly granting the Sum of £55,000 to the King's use, and to that end, I desire that you will also notify this to the Assessors and County Commissioners in the county of ————.

"I am, Sir,

"Your most obed$^{t.}$ humble Servant,

"JOHN PENN.

"To ———— ————, Esq$^{r.}$ one of the Provincial Commiss$^{rs.}$ of appeal for the County of ————."

—

The names of the Commiss$^{rs.}$ are:

Philip Syng for the City of Philad$^{a.}$
Thomas Lievzey, County of D$^{o.}$
John Moor, Northampton.
John Fairlamb, Chester.
Moses Irwin, Lancaster.
Mahlon Kirkbride, Bucks Co$^{ty.}$
Mich$^{l.}$ Swoop, York.
Ja$^{s.}$ Galbreath, Cumberl$^{d.}$
Jonas Seely, Berks.

The Governor likewise issued a special Commission appointing Enoch Davis, Esq$^{r.}$ Justice of the Peace & of the County Court of Common Pleas for the County of Philad$^{a.}$

At a Council held at Philad^a. on Monday, the 21st January, 1765.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

Lynford Lardner, Thomas Cadwalader, } Esq^rs.,
Benjamin Chew, Richard Penn, }

The four following Bills sent up last Week to the Governor by the Assembly for his Concurrence, were laid before the Board, Viz^t:

1st. "A Supplement to an Act entituled 'An Act for the relief of insolvent debtors within the Province of Pensylvania.'"

2d. "An Act the better to enable the persons therein mentioned to hold Lands, and to invest them with the Privileges of natural born Subjects of this Province."

3d. "An Act for the relief of Robert Lettis Hooper, Jun^r., a prisoner in the Gaol of Philadelphia, with respect to the Imprisonment of his Person."

4th. "An Act for the relief of James Pearson, a Prisoner in the Gaol of Philadelphia, with respect to the Imprisonment of his person."

Which being severally read & considered, the Governor directed the Secretary to return them to the House, with a few amendments to the three first, and to acquaint them that he agreed to the last mentioned Bill.

The Governor laid before the Board a Letter from his Excellency Gen^l. Gage, Commander-in-Chief of all his Majesty's Forces in North America, which follows in these words, viz^t.:

A Letter from General Gage to the Governor.

"New York, Decem^r. 7th, 1764.

"Sir:

"It gives me great pleasure to be able to acquaint you that, by an Express arrived from the heads of Muskingham, I am informed that the Shawanese and Delawares, and other Tribes on the Ohio, have been reduced to the most humiliating Peace by his Majesty's Arms, under the Command of Colonel Bouquet, and that a general Peace is now made with all the Nations who had risen in Arms against us.

"The perfidy of the Shawanese & Delawares, the Contempt they shewed us, and the breaking through all the ties and engagements which even Savage Nations hold sacred amongst each other, made it absolutely necessary to reduce them by Force, and to march into their Country. The Troops under Col^o. Bouquet have penetrated into the heart of their Settlement, and obliged them to deliver up all

their Prisoners, even their own Children born of White Women, and to send deputies to Sir William Johnson, to settle a peace upon such further terms as should be imposed upon them; for the performance of the last, and as a Security that no further Hostilities should be committed, a number of their principal Chiefs have been delivered up as Hostages; about Two hundred prisoners had been delivered into our hands, and more were expected from the Shawanese. Several of our parties had been sent into the Villages of that Nation, to assist them in collecting the Captives and bringing them to Fort Pitt.

"I take the first opportunity to congratulate you on the happy Conclusion of all Hostilities with the Indian Nations who had appeared in Arms against his Majesty, and to enable you to give such notice as you see convenient, to the Merchants, that the Trade may be again carried on with the several Nations.

"In consequence of this Peace, I beg leave to observe to you that I am informed the Government of this Province intend publishing a Proclamation, not only to prohibit all Hostilities against the Indians, but likewise, to open a Trade with them, on condition that the Traders take Lycences of the Governor, and give Bond and Security that they do not expose to Sale, or Sell to the Indians, but at the posts that are already, or shall be hereafter established; I should be glad to know whether you pursue the same method, or make any further regulations respecting the trade with the Indians, that I may have it in my power to give notice thereof to the Officers Commanding at the several Posts, to enable them to see that the Traders do strictly comply with the Terms of Trade prescribed to them by the Government to which they belong.

"I am, with great regard, Sir,

"Your most Obedient, humble Servant,

"THO^{s} GAGE.

"Hon. JOHN PENN, Esqr."

The Council having taken the said Letter into consideration, were of Opinion, that as the Governor had not been informed of the Success of those Deputies of the Western Indians who were sent by Col. Bouquet to Sir William Johnson to negociate and ratify with him the Terms of Peace which had been proposed or stipulated in the late Expedition to the Westward, under the Command of the said Col. Bouquet, and, as it is yet uncertain what may be the Consequences of the Desertion and Escape of the Shawanese Hostages, the Governor should defer issuing a Proclamation to open a Trade with the Indians, according to his Majesty's Royal Proclamation of the 7th October, 1763, or taking any measures to enforce the same, 'till he has full information from Sir William Johnson that a General Peace is actually concluded with the said Western Indians.

The Governor, accordingly, wrote an answer to Gen^{l} Gage to that effect.

At a Council held at Philadelphia, on Wednesday 30th Jan^y 1765.

PRESENT:

The Honourable JOHN PENN, Esq^r Lieutenant Governor, &c^a.

Lynford Lardner, Benjamin Chew, Richard Penn, Esq^rs

The Governor laid before the Board a Letter from the Commissioners & Assessors of Philad^a County, in answer to one his Honour wrote the 17th Instant, to the Provincial Commissioners of appeal, concerning the Taxation of the Proprietors' located uncultivated Lands, which Letter was ordered to be entered in the Minutes of Council, and is as follows, viz^t:

"PHILADELPHIA, 26th January, 1765.

"May it please the Governor:

"Thomas Lievzy and Philip Syng, Esq^rs two of the Provincial Commissioners of Appeal, has laid before us a Copy of the Governor's Letter, dated the 17th Inst., in which the Governor is pleased to inform us, 'that the Proprietaries do not wish or desire that their located or uncultivated Lands belonging to the Inhabitants, under the same Circumstances of Situation, kind, and quality, shall be assessed.' This information, we conclude, is given by the Governor as a guide and direction to us in Assessing that part of the Proprietary Estate under the late Act of Assembly for granting £50,000 to His Majesty's use. We have, therefore, taken the said Act, with the Substance of the Governor's Letter, into our serious Consideration, and are of Opinion, from the express tenor of the Law, and our respective Qualifications taken in Conformity therewith, that we cannot, in any shape, alter the mode of Taxation pointed out and enjoined by that Act, Viz^t: 'That the best of the Located and unimproved Tracts of Land, belonging to the Inhabitants, shall be rated at Fifteen pounds ℔ hundred acres;' and that by a subsequent provisionary Clause, 'That the located uncultivated Lands belonging to the Proprietaries, shall not be assessed higher than the lowest rate at which any located uncultivated Lands belonging to the Inhabitants, shall be assessed.'

"From this state of the Facts, you will readily perceive that it is not in our power, under our present Circumstances, to pursue the mode of taxing the Proprietary located uncultivated Lands pointed out by the Governor, and that nothing can enable us to

comply with the Governor's request, in that particular, but a Law to be made for that purpose.

"We are, Sir,

"Your most Obedient, humble Servants,

"BARNABY BARNES,
"AND^{W}. BANKSON,
"JOSEPH STAMPER,
"MATHIAS HOLSTEN,
"JACOB UMSTAT,
"JOSEPH KING,
"ENOCH STORY."

The said Letter being read and considered, the Council advised the Governor to lay the same before the Assembly, accompanied with a written Message recommending to them to frame a Supplement to the Act for granting £55,000 to the King's use, in order to enable the Commissioners and Assessors to tax the Proprietors' Lands in the manner they have desired. A Message being accordingly prepared and approved, was sent to the House with the above mentioned Letter, and follows in these words, viz^{t}:

A Message from the Governor to the Assembly.

"Gentlemen:

"The Proprietors having signified to me that they do not wish or desire that their located uncultivated Lands in this Province, should be taxed in any other manner than at the lowest rate at which any such Lands belonging to the Inhabitants under the same Circumstances of Situation, Kind, and quality, should be assessed, I took care to make known the proprietor's sentiments on this Subject, to the Provincial Commissioners of Appeals in the several Counties, desiring them to publish the same to their respective Commissioners & Assessors. This matter having been laid before the Commissioners and Assessors for the County of Philadelphia, they, by their Letter of the 26th Inst^{t} (which I have ordered to be laid before you), have informed me, that on considering the late Act for granting £55,000 to the King's use, they cannot, from the express Tenor thereof, and the qualifications they have taken, tax the located uncultivated Lands of the proprietors in the above mode, and that a new Law is necessary to enable them so to do. As, therefore, they cannot put the construction on the Words of the royal Order, inserted in the said Act, which the late Assembly contended for, and the Proprietors are willing to submit to, I recommend it to your Consideration, whether it is not expedient to frame a Supplement to the said Act, to amend it in this particular.

"JOHN PENN.

"January the 30th, 1765."

January 31st, 1765.

Two Members of Assembly waited on the Governor, with a verbal Message that the House agreed to the Amendments his Honour made to the three Bills which had been returned to the House, and desired he would be pleased to appoint a time for passing them & the other he had agreed to, as soon as possible; to which he made answer, that he should be ready for that purpose on Saturday next.

In the Council Chamber, Saturday 2d February, 1765.

PRESENT:

The Honourable JOHN PENN, Esq^r. Lieutenant Governor, &ca.

Lynford Lardner, & Richard Penn, Esq^rs.

The Governor returned to the House, by the Secretary, the Bill which they had sent up for his Honour's Concurrence, entituled "An Act for the relief of Walter Davis, a languishing Prisoner, in the Gaol of Philadelphia, with respect to the Imprisonment of his person," with his assent thereto. At the same time the Secretary, by the Governor's directions, delivered a verbal Message to the House, that his Honour waited in the Council Chamber & required their attendance there, in order to pass that Bill, and the other four which had been agreed to.

The House having accordingly attended, the Speaker presented to the Governor the five Bills before mentioned, which his Honour enacted into Laws, and signed a Warrant for affixing the Great Seal thereto, which being done, they were deposited in the Rolls Office.

The Titles of the said Laws are as follows, viz^t:

"A Supplement to an Act entituled 'An Act for the relief of insolvent Debtors within the Province of Pennsylvania.'"

"An Act the better to enable the Persons therein mentioned to hold Lands, & to invest them with the privileges of natural born Subjects of this Province."

"An Act for the relief of Robert Lettis Hooper, Jun^r. a Prisoner in the Gaol of Philadelphia, with respect to the imprisonment of his Person."

"An Act for the relief of James Pearson, a Prisoner in the Gaol of Philadelphia, with respect to the Imprisonment of his Person;" &

"An Act for the relief of Walter Davies, a languishing Prisoner in the Gaol of Philadelphia, with respect to the Imprisonment of his Person."

At a Council held at Philad^a on Monday 4th Feb^y 1765.

PRESENT:

The Honble. JOHN PENN, Esq^r Lieutenant Governor, &ca.

Lynford Lardner, Benjamin Chew, } Esq^rs.
Richard Penn,

The Governor laid before the Board two Bills sent up by the House last Week for his Honour's Concurrence, entituled as follows, viz^t:

"An Act for raising by way of Lottery, the sum of Three thousand and three pounds fifteen shillings, to be applied to the payment of the Arrears of debt due for the finishing of St. Peter's and St. Paul's episcopal Churches, in the City of Philadelphia, and towards finishing the episcopal Church at Carlisle, and the Building of an episcopal Church in each of the Towns of York and Reading; & repairing the episcopal Church at Molatten, in Berks County, and the episcopal Church in Huntingdon Township, in York County, and for repairing the episcopal Churches at Chichester & Concord, & purchasing a Globe for the Church at Chester, in the County of Chester."

"An Act for the relief of the poor."

The said Bills being read and considered, and several Amendments made to each of them, were ordered to be returned to the House with the same.

—

6th February, 1765.

MEMORANDUM.

The Assembly again sent up to the Governor, by two Members, the Bill for the relief of the Poor, with an answer to the Governor's Amendments, that the House adhered to the Bill with respect to fourteen principal ones, & agreed to the rest of them.

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February 7th, 1765.—The Governor returned to the House the Bill which had been sent up for his Honour's Concurrence, entituled "A Supplement to an Act entituled 'A supplement to the Act entitled An Act for regulating, pitching, paving, and cleansing the Highways, Streets, Lanes, & Alleys, & for regulating, making and amending the Water Courses and Common Sewers within the inhabited and settled parts of the City of Philadelphia,'" with a verbal Message that the Governor assented thereto; and again returned the Poor Bill at the same time, with a reply to the answer of the House to the Governor's Amendments, that his Honour adhered to his Amendments objected to by the House.

February 8th, 1765.—The Governor received a Message from the Assembly, by two Members, acquainting him that the House proposed to adjourn in a few days to the 13 May next, if it was agreeable to his Honour, to which the Governor made Answer that he had no objection thereto.

At a Council held at Philad^{a} on Saturday 9th Febr^{y} 1765.

PRESENT:

The Honourable JOHN PENN, Esq^{r} Lieutenant Governor, &ca.

Benjamin Chew, Richard Penn, Esqrs.

A Bill entituled "A Supplement to an Act entituled 'An Act for granting to his Majesty the Sum of £55,000, and for Striking the same in Bills of Credit in the manner herein after directed, and for providing a Fund for sinking the said Bills of Credit by a Tax on all Estates, real and personal, & taxables, within this province." Which was sent to the Governor by the Assembly on the 7th Instant for His Honour's Concurrence, was read, and one amendment being made thereto respecting the Taxation of the Proprietarie's Lots in Burroughs and Towns, the Bill was ordered to be returned to the House with the same.

The Governor laid before the Board a petition from several of the Justices and principal Inhabitants of Lancaster County, recommending as an Object of Mercy, a certain Mich^{l} Keener, who was convicted of Felony and Burglary at a Court of Oyer and Terminer held for the said County in May last, and received Sentence of Death, as appears by the record of his Conviction. The petition and record being read, and the circumstances of his case considered, The Council advised the Governor to grant a pardon for the said Michael Keener, which was issued accordingly.

It being considered by the Board that the money granted to his Majesty last Year was nearly expended, & that a further sum would soon be wanted for the support of the Garrison at Fort Augusta, till it was judged expedient to disband it, The Council advis'd the Governor to recommend it to the Assembly in a Message to provide a Fund for that purpose. A Message was accordingly sent to the House, and follows in these words, viz^{t}

A Message from the Governor to the Assembly.

"Gentlemen:

"From the great Importance of Fort Augusta to the protection of this Province when engaged in a War with the Indians, I thought it absolutely necessary to keep a Garrison in it the last Year, and am of Opinion, that till the final Conclusion of a peace with the Savages, it will be highly imprudent to abandon that Post. The Garrison has been paid up to the first day of January last, out of

the Supplies granted to his Majesty last Year, but as that Fund is nearly exhausted, I recommend it to you to consider & provide ways and means for the future subsistance and support of the Troops stationed there, till it may be thought advisable either to reduce or disband them.

"JOHN PENN.

"February 9th, 1765."

—

Monday, 11 February.

MEMORANDUM:

The Governor returned to the House by the Secretary the Bill sent up for his Honour's Concurrence entituled "An Act to enable the Owners & possessors of a certain piece of Marsh or Meadow Ground herein after described, situate in Kingcessing in the County of Philadelphia, & to embank and drain the same, &c., with a message that he agreed to it.

At the same time the Secretary carried down to the House the Supplementary Bill to the £55,000 act, with the amendments made to it on Saturday last.

The Governor likewise issued this day a special Commission appointing Robert Levers and Christopher Waggoner, Esq^rs Justices of the Peace and of the County Court of Common Pleas for the County of Northampton.

—

Tuesday, 12th February.

Two Members again presented to the Governor the Supplementary Bill to the £55,000 Act, with a Verbal Message that the House adhered to the same.

And the Governor immediately returned the said Bill to the House and directed the Secretary to acquaint them that he adhered to his proposed Amendment.

—

Thursday, 14 February.

The Assembly sent to the Governor by two Members for his Honour's Concurrence, two Bills entituled as follows, viz^t:

"An Act for amending each and every of the Acts of Assembly of this Province, heretofore made for embanking and draining several parcels of Marshy Land, situate in the Counties of Philadelphia & Chester, and for the repairing & maintaining the banks, Dams, & Sluices thereunto belonging," and "An Act for prohibiting the Importation of German or other passengers in too great numbers in any one vessel."

The former being read and considered, was immediately returned to the House with the Governor's assent, & the latter being a Bill of Importance, was Referred to a further Consideration.

The Governor received from the Assembly by two Members a Message in writing, which follows in these words, viz^{t} :

A Message to the Governor from the Assembly.

" May it please your Honour :

" After due consideration of your Message dated the 9th Instant, we are of opinion that, as the Cannon & other Military Stores at Fort Augusta cannot be at present removed from thence, it may be prudent to defer any Resolution concerning the Evacuation of that post until further certainty of Peace being firmly established with the Indians; yet, in the mean time, as the Fund from whence that Garrison has been paid up to the first of last month, is nearly exhausted, we should approve an immediate reduction of the Troops stationed there; altho' in respect to disbanding the whole Garrison, we can only recommend to your Honour and the Provincial Commissioners, when more satisfied of the Indian's Fidelity, and Conveniency offers for Water Carriage from Shamokin, to lose no time in removing the Cannon and Stores above mentioned, & disbanding the remainder of the Garrison, in order to ease the Public of that Burthen, whenever it can be done with safety & Prudence.

"Signed by Order of the House,

"JOS. FFOX, *Speaker.*

" February, 1765."

—

Friday, February 15th, 1765.

Two Members waited on the Governor with a Verbal Message from the House, desiring to know when they might expect his result upon the German Bill now before him; to which the Governor said, that as it was a Bill of some Consequence, and required time to consider it well, he could not very soon come to a Determination on it. The Members then further addressed the Governor, and acquainted him that the House inclined to make their intended adjournment to-day, and desired his Honour would be pleased to appoint a time for passing the Bills to which he had given his assent. The Governor answered them that he should be ready for that purpose in the Council Chamber, at half an hour after twelve o'clock, and appointed Richard Penn, Esq^{r} and the Secretary to join with two members of the House, to compare the Original Bills with the engrossed Copies.

Eodem Die, 12½ o'clock, P. M.

The Governor being in the Council Chamber according to appointment, Sent a verbal Message to the House by the Secretary, to acquaint them with the same, & to require their attendance there, that he might pass the Bills which had been agreed on.

The House having accordingly attended, Mr. Speaker presented to the Governor four Bills, intituled as follows, viz^{t}:

"An Act for raising by way of Lottery the sum of £3003, 15, 0, to be applied to the payment of the arrears of debt due for the finishing of St. Peter's and St. Paul's episcopal Churches in the City of Philadelphia and towards finishing others, the episcopal Churches in this province, &c."

"A supplement to an Act entituled 'a Supplement to an Act entituled 'An Act for regulating, pitching, paving and cleansing the Highways, Streets, Lanes and Alleys, and for regulating, making & amending the Water Courses & Common Sewers within the Inhabited and settled parts of the City of Philadelphia.'' ''

"An Act to enable the Owners & Possessors of a certain piece of Marsh or Meadow Ground, herein after described, situated in Kingcessing, in the County of Philadelphia, to embank and drain the same."

"An Act for amending each & every of the Acts of Assembly of this Province, heretofore made for embanking and draining several parcels of Marshy Land, situate in the Counties of Philad^{a} & Chester, and for the repairing and maintaining the banks, dams and sluices thereunto belonging;" which his Honour enacted into Laws, and appointed Mr. Lardner & the Secretary to accompany two members of the House to get the Great Seal affixed to them, & see the same deposited in the Rolls Office.

The House then adjourned to the 13th of May next.

Thursday Morning 16 May, 1765.

Two Members of Assembly waited on the Governor and acquainted him that a quorum of the Representatives were met and ready to receive any Business his Honour had to lay before them. The Governor answer'd that he had no Business at present to recommend to their notice, but should soon let them know his result upon the German Bill under his Consideration.

At a Council held at Philad[a] on Friday 17th May, 1765.

PRESENT:

The Honourable JOHN PENN, Esq[r] Lieutenant Governor, &ca.

Benjamin Chew Esqr.

A Bill entitled "a supplement to the Act entituled 'An Act for prohibiting the Importation of Germans or other passengers in too great numbers in any one vessel,'" which was sent up to the Governor by the Assembly in February last, was read & considered, and several amendments being made thereto, it was ordered to be returned to the house in the afternoon with a verbal message, "that as it was presented at the end of the last Sessions of the House, and is a Bill of some Importance, the Governor thought proper to keep it till this time under Consideration, & now returns it to the House with some amendments."

The Bill entituled "An Act for opening and better amending & keeping in repair the publick roads and Highways within this province," sent up by the House this forenoon for the Governor's Concurrence, was also read and considered, and directed to be returned to the House, with a verbal message that his Honour agreed to it.

—

Eodem die P. M.

The Governor received a verbal message from the Assembly by two Members, that the House acceded to the amendments made to the German Bill, & having no material Business before them were inclined to adjourn this Week, and desired he would be pleased to appoint a time for passing the two Bills;—On which the Governor acquainted them, he had no objection to their making an adjournment, and would be ready to pass the Bills to-morrow at 12 o'clock, in the Council Chamber.

—

Council Chamber, Saturday 12 o'clock, May 18, 1765.

The German Bill being compared with the engrossed Copy, the Governor sent a Message to the House by the Secretary, requiring their attendance. The House accordingly attended & the Speaker presented the two Bills entituled "A Supplement to the Act entituled 'An Act for prohibiting the Importation of Germans or other passengers in too great numbers in any one Vessel." And "An act for opening & better amending & keeping in repair the Public Roads & Highways within this province;" which the Gov[r] enacted into Laws, & signed a Warrant for affixing the Great Seal thereto, & they were ordered to be deposited in y[e] Rolls Office."

The Speaker then acquainted the Governor that the House proposed to adjourn till the 9th of September next, if it was agreeable to his Honour; to which the Governor answered that he had no objection.

At a Council held at Philadelphia on Tuesday the 4th June, 1765.

PRESENT:

The Honorable JOHN PENN, Esq^r. Lieutenant Governor, &c.

Lynford Lardner, Benjamin Chew, } Esq^rs.
Richard Penn, }

The Governor laid before the Board a Letter he last Week received from George Croghan, Esq^r. deputy Agent for Indian affairs, inclosing his Journal and minutes of several Friendly Conferrences he had held at Fort Pitt, with sundry tribes of the Western and Northern Indians, wherein they had renew'd and Confirmed their Engagements made with Brigadier Gen^l. Bouquet last Fall at Muskingham. The said Letter & Journal, &c., were read, & ordered to be entered in the minutes of Council, & follow in these Words, viz^t.

A Letter to the Governor from George Crogham, Esqr.

FORT PITT, May 12th, 1765.

"Sir:

"The several Nations of Indians here has been much longer coming to this Post than I expected, owing to the Jealousy of each other, each wanting to lead the other, & disputes Subsisting amongst themselves; however, I have at length got them together, & tho' some of the Delaware's tribes seemed discontented, seeing the Shawanese bring in their prisoners and agree to everything that his Excellency General Gage required of them, with the Senecas, then the Delawares came into the same measures. They have all appointed Deputys of their Chiefs to go to S^r. Will^m. Johnson, and replace hostages there, amongst which is a Chief of each Nation. They have given me my Choice of their Nations to go with me to the Illinois, and from the disposition of the Nations where I am going (by what I can learn), my Journey would have been but of little Service if I had not settled matters with those Nations first, and got a Deputation from them to go with me. Inclosed I send your Honour a Copy of my Journal since I came here, to which I refer you, for my transactions with the Indians. I am

"Your Honours most Obed^t.
"humble servant,
"GEO. CROGHAN.

"The Hon^ble. JOHN PENN, Esq^r."

George Croghan, Esq'rs. Journal of Transactions with the Indians at Fort Pitt.

"February 28th, 1765. Lieutenant Frazier and I arrived at Fort Pitt, where Major Murray informed us that Mr. McKee had, a fortnight before, sent a Message to the Chiefs of the Delawares, Shawanese, Senecas, and Sandusky Indians, desiring them immediately to come to this Post to meet me, but as yet received no answer, and further acquaints me there has been but few Indians here during the Winter.

I then went and spoke to the Hostages, who informed me that they had heard from Custaloga, and his Tribe, who was Hunting near Tuskerawas, and that they believed they would soon come into this Post, but heard nothing from the other two Tribes.

March 1st. Six Seneca Indians came here from one of the Shawanese Towns, and informs me as follows:

"That the Deputation from the Shawanese and Delawares, which was sent last Summer to the Illinois, to Council with the French and Indians in that Country, was returned; That they had been well received by the French, who, on their arrival cloathed them, and told them they would supply them with every necessary they wanted to carry on the War against the English, and would send traders with them to their towns when they set off; That they had held a Council with nine Indian Nations settled on the Ouabache and Illinois Country, who had all engaged to support them with their whole force, should they continue the War against the English; That on those Deputys return to the Plains of Sioto, and being informed of the Terms of accommodation agreed on by their Nations (during their absence), with Col. Bouquet, they then in Council with the Sandusky and Seneca Indians, agreed to abide by their People's engagements, and perform the whole on their part, provided the English would open a free trade & intercourse with them, and supply them with Ammunition, Goods, and rum, as usual, and not prohibit the sale of Powder and Liquors, as they had done before the late differences happened. Those Indians further say that the Shawanese had sent a Message to the French Traders who was then following them to their Towns, to return home; (I much doubt the Truth of this), and that they had sent a Message likewise, to the nine Nations in that Country, acquainting them that they were about accommodating matters with the English, desiring them to sit still 'till they heard further from them in the Spring."

March 2d. I dispatched a Messenger to the Shawanese and Senecas, and another to the Delawares and Sandusky Indians, to acquaint them of my Arrival here in Company with Lieu't. Frazier, with Messages from the King's Commander-in-Chief, & Sir William Johnson, to their Nations, and desired their several Chiefs would immediately come here to meet me; I likewise sent a Mes-

sage to Pondiac, who, I hear, is among the Twightwees, to meet me at the Mouth of the Sioto, on my way down the River.

4th. Two Senecas came here from Venango, (where a Hundred of their people was Hunting), to know if a Trade was opened here for the Indians, as they had heard from the Seneca Country there was, all differences being settled by their Nation and the English last Fall, by Sir William Johnson.

Delivered a String of Wampum.

5th. Major Murray and I acquainted them there was no trade open'd yet, nor could there be any till the Shawanese & Delawares had come to perform their Engagements with Col° Bouquet; that we had sent for them, & expect they will be here before the last of this Month; gave them a Belt of Wampum, desiring them to rest Satisfied till that time, & likewise desired some of their Chiefs to come down, & hear what would pass between us & those Nations.

17th. Andrew, a Huron Indian, & a Frenchman, one Alexander Masonville, came here with dispatches from Col° Campbell, at Detroit, to the General.

20th. Lieuten^t Frazier informed Major Murray & me, that the Gen^ls Instructions to him was to be at the Illinois at all Events, the beginning of April; that as the Indians was not met here, he proposed to set off down the River in two or three days, as the Service he was sent on was of a different nature from mine, and desired I would employ Mr. Maisonville and Andrew to go with him, that the Service he was going on might not suffer.

21st. With the approbation of Major Murray, I employed Andrew & Mr. Maisonville (Interpreters), with a Shawanese, Seneca Indians, to accompany him, and furnished him with Wampum, Silver Truck, & other necessaries for his Journey, that the Service might not suffer by any delay the Indians might give me here, or his want of any assistance in my power to give him.

22d. Two Delaware runners came here from Custalogo, to let us know that he had forwarded the Messages sent him, & expected that all the Nations would be on their way here by this time, & that he would come in a few days.

23d. Several Delawares came here to trade with what peltry they had, for Goods, but not being suffered, they seem'd very sulky.

25. Several Senecas from Venango came here, expecting the Shawanese, Delawares, & Sandusky Indians was come, but finding they were not, determined to wait their Arrival.

28. Three Shawanese and one Seneca came here from the lower Shawanese at the plains of Sioto, with a Message to let me know that my Message had come to their Town two days before they left it, and that their Chiefs had sent them off to acquaint me they were collecting all our Flesh & Blood together, (meaning the English Prisoners), and were to set off in two days after they left it, and would make all the haste in their power up with them, but, as the Weather was so severe and the Waters high, they could not make that dispatch they could wish.

April 1st. Four Delawares came here from one of their Towns, where two of their Tribes was collected together in Council, and said they were sent by their Chiefs to inform us, That altho' Custalogo had sent word their Chiefs would come here, yet their two Tribes could not, one of their Men having been called up to Heaven by the Great Spirit of Life, who told him that he must acquaint his Nation that before they made Peace with the English, they must consult with the Quakers of Philadelphia, who would direct them how to make a lasting peace, & desired I would send for some of them to come here, then their Nation would come in & make a Peace; And as the great Spirit had told this man several things of great Consequence to them, desired that Mr. M'Kee might go there & commit it all to writing

2d. Major Murray and I made those four Delawares the following answer on a Belt of Wampum.

"Brethren:

"We are surprized at the Message you delivered us Yesterday from the Chiefs of the Delawares; the man you mention who says he spoke to the Great Spirit, you may be assured is deceiving your people, as we are persuaded he never spoke to him. Your Nation agreed to terms of accommodation last Fall with Col. Bouquet; in part they have complied with those Terms. They begged of him for peace in the most submissive manner, and your Brethren, the English, thought your Nation would be the first to come here when sent for. We have received Messages from the Senecas, Shawanese, and Sandusky Indians, that they are now on their way here; there is the Messengers that brought us those accounts, and are to stay here till they arrive. You will, therefore, return to your Chiefs, & let them know that no People whatever, in this Country, can give you Peace but the King's Commander-in-Chief; and we desire them to come here with the other Nations, and comply with your Engagements to Col. Bouquet, & not suffer themselves to be amused by Idle Dreams or Stories that may be told them by any body."

A Belt.

6th. Four Six Nations arrived here in a Canoe down the Monaungahela river, with five Cherokee Scalps; they met a number of Virginia Hunters on the heads of New river, who had like to have killed them.

13. Several Munsie Indians came here in Canoes down the Ohio, from their Village above Venango, and brought two English Prisoners, which they delivered up, both Girls; one about twelve, the other about Nine Years of age; they were taken Young; can't speak a word of English; one was taken near Shippensburg, the other near Juniata, in Cumberland County, Pennsylv[a].

14. About Eighty Seneca Indians came here from their Town at the Two Creeks, and brought with them a quantity of Skins & Furs, expecting to Trade.

In a private conversation with Major Murray & me, they informed me that two Tribes of the Delawares were very much aversed to

making peace with the English, till the return of Kill Buck from Sir William Johnson, & then if they liked the terms, they would stand to them, but not otherwise; that they called Custalogo an old Woman for agreeing to the Terms he did with Col. Bouquet; that they wanted to fight, & would have cutt off that Army had it not been for him, & they have been striving all this Spring to prevent the Shawanese, Senecas, & Sandusky Indians from coming here with the English Prisoners, telling the Indians, in Public Council, as the French and the Nine Nations, living on the Oquabache and Illinois Country, have agreed to supply & support us in the War against the English, as we shall be able to drive them out of this Country in less than two Years.

But those Indians say that Giashutha, with the rest of the Senecas, Shawanese, and Sandusky Indians, with all the English prisoners in their Nations, are now on their way here, & would have arrived by this time had it not been for the Delawares, Custaloga and his Tribe being the only people of that Nation willing to be at peace with the English.

18th.—Two Delaware runners came here from their Chiefs, to inform us they had accepted of the invitation I had sent them, & was now on their way here, and would endeavour to be here as soon as the other Nations.

19th.—The several Indians now here, which is about Two hundred, seem very sulky, on account of their not being suffered to Trade, notwithstanding I have made use of every argument in my power to explain to them the reason of it.

20th.—I dispatched four Indian runners to meet the several Chiefs with the messages, to press them to make all the dispatch possible here. In the afternoon the Beaver, with several Delawares, came here, with several horses, loaded with peltry, in order to Trade, when I informed them that no Trade could be permitted till the several Nations had performed their engagements to Colonel Bouquet.

21st.—A number more Delawares arrived here with several Horse loads of peltry, in order to Trade.

23d.—Four Senecas came here, who informed me they see a Battoe, with several White men, going down this river about 25 days ago, and asked me where they was going, on which I told them; they then said I was wrong in letting them go, as they knew the French had incensed the Indian Nations that way against the English, and that unless a number of the Shawanese & Delawares would undertake to reconcile those Nations to the English, they were of opinion it would be very difficult to do it any other way.

24th.—The Newcomer or Noatwhelama, arrived here, with most of the Warriors of his tribe, when he made a long speech to Major Murray, & me by way of Compliment.

25th—Custalogo arrived here, when he and his Tribe saluted the Garrison with Three discharges of their Guns, which Major Murray ordered to be returned with three Cannon.

26th—Six Delaware Indians arrived here from Sir William Johnson, and brought a Letter to the Chiefs of the Delawares, which I interpreted and explained to them in a meeting which Major Murray & I had with them on that occasion.

In the Evening, about Twenty more Delawares came here with several horses loaded with Skins & Furs.

28th.—Four Shawanese runners came here with the Callimutt of peace, belonging to their Nation, and after smoaking out of it, they informed Major Murray & me, that the Chiefs of their Nation was on their way here with all the English prisoners, which was the reason of their being so long on the road, the prisoners not being able to travel fast, but that they would be here in three or four days, & desired us not to be uneasy till they arrived.

29th.—I had a private meeting with the Chiefs and principal Warriors of the three Tribes of the Delawares. When they brought the Indians they say had been lifted up to Heaven, and had spoke to the great spirit or giver of Life, I spoke to him and desired to know what the great Spirit had told him; He remained Silent for some time, and then spoke as follows:

"Brethren:

"It is now one hundred & fifteen days since I saw and spoke with our Father which is in Heaven, by which I know every thing on Earth, and good from bad; I have likewise been informed how far our great Father allows us to know his Will, and in what manner we ought to proceed in order to make a firm and lasting Friendship between one another, and the persons amongst the White people to whom we are to Speak to on this head, by order of our Father, are the Quakers. We are sensible of the misunderstanding that has been between us, and know we ought to be as one people, having but one Father. God, when he first made us and seated us on this Earth, considered us as his people, and gave us directions in what manner to live; and now this second time has discovered himself to me, acquainting me with the method we ought to pursue to live agreeable to his desire; he spoke to me concerning all the people which inhabit this Continent.

"Now, Brethren:

"We have got as much of his Sentiments as will be sufficient to direct us to live in firm Friendship, and it will be happy, Brethren, if we adhere to the advice our Father has given us; it will do us both good; As we are people of different Colours who inhabit this Continent, our Father has likewise spoke to my Chiefs by me, giving them an advice in what manner to behave as Kings, and now they will act as Kings.

"Brethren:

"We are fully determined to comply with the Orders of our Great Father, as we don't think it would be right to disobey him; and desire you will join us, and let us both comply with his request; it will be better for us. We are his people, & he is our Father;

you know, Brethren, if we do not do as he desires Us, it will not be good for either of us."

30th.—Several Chiefs and principal Warriors of the Delawares, in a private Meeting, told me that the great Spirit had told them, as they were the first Nation that met the Quakers when first they came to Philadelphia, they ought to be the first apply'd to in making a lasting peace for all other Nations in this Country, and if they would agree to that, they would make a peace & bring all other Nations into it.

I told them I was well acquainted, by other Nations, that this was what they wanted, that I was much surprized at their Conduct after what they had promised to Col. Bouquet, and that the Quakers could not make peace with them ; That as soon as the Shawanese come, I would deliver the General's messages to them, which if they complied with, It would be well for themselves, as all other Nations had made their peace with Sir William Johnson, except them & the Shawanese ; That the Shawanese was now coming in order to go to Sir William Johnson to make theirs, and if they would not they must go to the Quakers or sit alone in the Woods, for it was out of my power to comply with their request.

May 1st.—Two Indians from Sandusky came here and says that about 30 days ago a Frenchman from the Ilinois passed by the Miamies Village towards Detroit, and told all the Indians he saw that the King of France, their Father, had sent a large quantity of Goods to New Orleans, for to supply his Children, the Indians in this Country, & would send them more next Year.

Last Night, two principal Warriors of the Delawares, differed in Council & stabbed each other in such a manner that their Lives is despair'd of, which throw'd all the Tribes of that nation in such confusion that Major Murray & I was obliged to speak to them on three Belts of Wampum, to reconcile them to each other.

2d—A number of the Shawanese arrived here, with part of the English prisoners, and saluted the Garrison with a discharge of their Guns, which was returned by three Cannon, after which they came over the river & informed that the rest of their people would be here to-morrow.

5th.—The Messenger that I sent to meet part of the Shawanese return'd, & says that some of the prisoners was sick, which delayed them so long on their way here, but that they expected them to morrow Evening.

6th.—A number of Senecas arrived here, and say the Shawanese would not get here till to-morrow morning.

7th—The Shawanese arrived with the last of the White prisoners, & saluted the Garrison with two rounds, which was returned by three Cannon, then made several Compliments to Major Murray & me for their delay on the road and the time it took them to collect the prisoners together before they sett off, being determined not to come till they could deliver them up and comply with their other engagements, as their whole Nation was resolved to

make a lasting peace with their Brethren, the English, which shall never be broke on their side, and hoped their Brethren would not give any occasion for the future to excite their Jealousy or suspicion (meaning the English.)

In the Evening two Senecas arrived here from Chenessies on business to the Senecas, Shawanese, & Delawares, and by what I can learn, their Business is to enquire what Success the Shawanese, Delawares, and Senecas had last Fall, at the Illinois, with the French and Indians there, those two men has told the Senecas here that the Six Nations are so divided in their Councils, that they had not agreed to go to Sir William Johnson when they left home, tho' he had sent several Messages for them.

8th.—The Shawanese & Senecas sent for Major Murray & me and performed all the Ceremonies of Condolence, as usual on Meetings of this Nature."

At a meeting with the Chiefs of the Shawanese, Delawares, Senecas, & Sandusky Indians, at Fort Pitt.

PRESENT:

Major William Murray, & several Officers of the Garrison.

Delawares.

Chiefs.
- Neattawatways,
- Custaloga,
- The Beaver,
- Latort,
- Tepiscochan,
- Kelopum,
- Spoagusa,
- Nesseuletham,
- Cuscalethon,
- Kehewenum,
- Captn. N. Jacobs.

Chief Warriors.
- Wingenuna,
- Cutfinger Peter,
- Captn. Pipe,
- Captn. Johnny,
- Captn. Grey Eyes,
- Turtle Heart,
- Sun Fish,
- White Wolf,
- John Peters,
- Thomas Hickman,
- Kecholan,
- Opeloawethin,
- Wessoaux,
- Simon Girty,

With 215 Warriors, besides Women and Children.

Shawanese.

Chiefs.
- Kisinoutha,
- Lawoughgua,
- Thaminusque,
- Lawisimo,
- Wapecawpa,
- Assitahiwa,
- Metholahela,
- Beniwesica,
- Mamsehigh,

Chief Warriors.
- Weconna thaca,
- Thecoma,
- Wapemoga,
- Nichebucketha,
- Nichmwhoa,

With 105 Warriors, besides Women & Children.

Senecas.

Chiefs.
- Ouchista,
- Kyashuta,
- Opaughkee,
- Connaduntohas,
- Couidageiate,

Chief Warriors.
- Giniswean,
- Sohays,

With 125 Warriors, besides Women & Children.

Sandusky Indians.

Onadegoss, Thusnedasgo, } Chiefs. Thanissisa, Captn John, } Chief Warriors.

With 38 more Warriors, besides Women & Children.

Munsies.

38 Men, besides Women & Children.

"Brethren:

"I have sent here two Months ago, by his Majesty's Commander-in-Chief, & Sir William Johnson, Bart, with Messages to your several Tribes, and have sent several messengers to summon you together, and to my great surprise you have, by your delays, obliged me to stay here waiting for you, thirty days longer than I expected.

A string.

"Brethren,

"His Excellency General Gage has ordered me to inform you that he expects you will immediately perform all the engagements you made last Fall to Col. Bouquet, one of which was to deliver up all the English prisoners and negroes which was in your several Villages; this article in part you then performed, and was to deliver the rest here early this spring, and I hope as you have delayed so long after I sent for you, that you have brought them agreeable to your promises.

Two Belts.

"Brethren,

"At the same time you promised solemnly to Col. Bouquet, that you would send Deputys of your nations fully empowered to settle a peace with Sir William Johnson, and at the same time leave such a number of Hostages here till their return; How you have comply'd with this Article I need not inform you; you have sent but one Man to Sir William Johnson, and he not a Chief of any of your Tribes; and the Hostages you delivered to Col. Bouquet, have all shamefully run away except three, tho' they was all as well used here as any of our own people, and never confined. This conduct Brethren, has given all your Brethren the English a suspicion of your Sincerity, therefore His Excellency General Gage expects that you will immediately send proper Deputys to Sir William Johnson to ratify and confirm a lasting peace, and replace Hostages here, till that is done; as till you perform those your engagements to Col. Bouquet, no trade can be opened for your nations.

Two Belts.

"Brethren,

"His Excellency General Gage & Sir William Johnson has ordered me to assure you, that as soon as you perform those articles that a free Trade and Intercourse will be allowed you and all other

nations of Indians to the Sun Setting, so long as they continue to behave well to his Majesty's Subjects.

Two Belts.

"Brethren,

"His Majesty, the King of Great Britain, having conquered the French in this Country, which you are well acquainted with, all the Forts and Settlements the French had is now become the property of the King of England. The French Troops are to be sent to France, and the planters to become Subjects to England; therefore, the General has ordered me to inform you that the King of Great Britain will take under his protection all the nations of Indians in this Country to the Sun Setting, & restore tranquility amongst all nations, that your Children unborn may enjoy the blessings of a lasting peace.

Two Belts.

" Brethren,

"I am now going by his Excellency General Gage's orders to visit all the Indian nations settled on the Oabache, and in the Illinois Country, and to offer them the friendship of the King of Great Britain and his Subjects, as he is now become their Father, and the General expects that you will send a Deputation of your nations with me, to assist in reconciling those nations (with whom we have had but little Intercourse) to his Majesty's interest."

Two Belts.

Then Kashuta spoke in behalf of the Seneca and Sandusky Indians to the Shawanese & Delawares: "Nephews, the Delawares, & Brethren the Shawanese, you have heard what your Brethren the English have said to you; they have desired nothing of you but what you solemnly promised last fall to Col^{o} Bouquet, all which you ought to perform. For our parts, we are determined to take the advice of our Brethren, the English, as we know it will be for our good, and we desire you Friends to do the same, as you are under engagements to do so; If you do not, you must take the consequences; for we are determined to comply with what our Brethren desires of us."

Delivered a string to the Shawanese and Delawares.

Then a Chief of the Shawanese got up, and taking all the Belts delivered to them in his hand, addressed himself to the Delawares as follows:

" Grandfathers, the Delawares, You have heard what our Father, the King of England, has said to us, and likewise what your Uncles, the Six Nations, has said; they desired nothing but what is right. We behaved wrong last Fall, but we are determined to do right, therefore we desire you to consider well what has been said to you, as you have not complied with all you promised, no more than we have done; let us act like Men, and convince our Father, the King of England, of our Sincerity, & answer those Belts to-morrow."

Then Custaloga spoke for the Delawares, and addressed himself to the Shawanese, saying:—"Grandchildren: You say right; we will consider those speeches & answer them to-morrow."

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At a Meeting with the same Indians, May the 10th, 1765.

PRESENT:

Major William Murray & several Officers of the Garrison.

The Shawanese came over the river with the English prisoners, beating a Drum and singing their peace song, agreeable to the Ancient Custom of their Nation, which they continued till they entered the Council House.

Lawoughgua, speaking for the Shawanese, got up and addressed himself to the English:

"Fathers: for so we will call you henceforward, listen to what we are going to say to you.

"It gave us great Satisfaction Yesterday to be called the Children of the King of England, and convinces us that your intentions towards us is upright, as we know a Father will be tender of his Children, and they more ready to obey him than a Brother, therefore we hope our Father will now take better care of his Children than has heretofore been done.

"You likewise put us in mind of our promises to Colº. Bouquet, which was to bring your Flesh and Blood to be delivered at this place. Father: you have not spoke for nothing; we are come prepared; you see we have brought them with us. You desire us now to send Deputies to Sir William Johnson to confirm a peace; we have appointed a Deputation to go there, and also the Hostages who are to remain here till their return. You then informed us you was ordered to go to the Illinois Country, to invite the several Nations there to join in 'Friendship with our Father, the King of Great Britain & his Subjects, and desired some of us to accompany you there. In this you have done well; those nations are our Allies; we will go with you and do every thing in our power to promote the good work of peace between our Father and them, with whom you have no acquaintance as yet.

A Belt, 8 Rows.

"Father, Here is your Flesh and Blood, except ————, a few that was out with some of our hunting parties, & those will be brought here as soon as they return. They have been all tied to us by adoption, and altho' we now deliver them up to you, we will always look upon them as our relations whenever the great Spirit is pleased that we may visit them.

A large String.

"Father:

"We have taken as much care of these prisoners as if they were our own Flesh and Blood; they are now become unacquainted with

your Customs & manners, & therefore, Fathers, we request you will use them tenderly & kindly, which will be a means of inducing them to live contentedly with you.

A Belt, 6 Rows.

"Father:

"We will now comply with every thing you have asked of us, & assure you we are sincere in every thing we have said. Here is a Belt with a figure of our Father, the King of Great Britain, at one end, and the Chief of our Nation at the other; This represents them holding the Chain of Friendship, & we hope that neither side will slip their hands from it so long as the Sun and Moon gives light."

A Belt, Seven Rows.

Custologa, speaker for the Delawares:

"Brethren:

"Yesterday you put us mind of our engagements to Col. Bouquet; we now assure you we are ready to perform every part which we have not yet complied with.

A String.

"Brother:

"You desire we may again leave Hostages at this place, and send other Deputies to Sir William Johnson; this we will likewise do."

A String.

He then addressed himself to the Six Nations: "Uncles, yesterday you desired us to be strong in complying with every thing our Brethren, the English, might require of us; this we are determined to do, and hope you will also do every thing on your parts to forward a good peace."

A Belt.

"Brother:"

Addressing himself to me, "as you told us you were ordered to visit the Western Nations, I now wipe your Eyes, and open your Ears, that you may see and hear those Nations with pleasure when they speak to you. I likewise clear the way, that you may have a safe passage to the place you are going.

A Belt.

"Brother:

"Don't imagine what I have said comes from my lips only; I assure it proceeds from the bottom of our Hearts, and now, by this Belt, I remove every evil thing from your heart, and make it like those of our Ancestors when they thought of nothing but Peace; and I also wipe the outside of your Body clean, that not the least remains of any thing which might give you trouble, may ever again appear, and by this Belt we take fast hold of you, our Brethren, in Peace."

Delivered a Friendship Belt of 20 Rows, with the figure of two men, representing the English and themselves.

Kyashuta then spoke to the Delawares:

"Nephews:

"You told us your Uncles, the Six Nations, that you were determined to do every thing that was requested of you by us and our Brethren, the English; we are glad to hear you are come to such a Resolution, and we desire you to be strong & do so."

A String.

Kyashuta then addressed himself to us:

"Brethren:

"I am going now to speak to you in behalf of all the Nations present, and those to the Sun Setting. You told us yesterday that the General, and Sir William Johnson, ordered you to assure all Nations to the Sun Setting, that if they performed their engagements we should enjoy a free Trade and intercourse; I hope this comes from your Heart, as you see your Brethren, the Delawares, and Children, the Shawanese, are willing to comply with every thing you required of them. Now, *Brethren*, do not act as you have done for a Year or two before those late Troubles, when you prohibited the sale of Powder, Lead, and Rum. This conduct gave all Nations in this Country a suspicion that you had bad designs against them, and was contrary to your first promises, when you came here to settle and build this Fort on our Ground. You make Rum, and have taught us to drink it; you are fond of it yourselves; therefore, don't deprive us of it, or the liberty of purchasing Goods; Open the trade, and let us sell our skins which we have brought here for that purpose, otherwise, we must think you from your lips, and not from your Hearts.

A Belt.

"Brethren:

"When you first come to drive the French from this place, the Governor of Pennsylvania sent us a Message that we should withdraw from the French, & that when the English was settled here, we should want for nothing. It's true, you did supply us very well, but it was only while the War was doubtful, & as soon as you conquer'd the French you did not care how you treated us, as you then did not think us worth your Notice; we request you may not treat us again in this manner, but now open the Trade and do not put us off with telling us you must first hear from your great man before it can be done; If you have but little Goods, let us have them for our Skins, and let us have a part of your Rum, or we cannot put dependance on what you tell us for the future."

A Large Belt.

He then added that he did not speak for himself, but was appointed by all the Tribes present, & that what he had said was the Sentiments of the whole.

Then Kyashuta spoke to the Delawares on behalf of the English & Six Nations, giving them an invitation to return to their old

Settlements, & at the same time desiring them to hold fast by the Chain of Friendship subsisting between the English & Six Nations.

A Belt.

Then Ogista, an old Seneca Indian, spoke to the Shawanese, & invited them to return to their old Settlements, where they would be near their Fathers, the English, & their Brethren, the Six Nations.

A Belt.

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At a meeting with the same Indians.

FORT PITT, May 11th, 1765.

PRESENT:

Major William Murray, & Several Officers in the Garrison.

"Brethren of the Six Nations, Shawanese, Delawares, & Sandusky Indians:

"You Yesterday answered the several Speeches I delivered you the day before from his Excelleney General Gage, and you have agreed to comply with every thing he desires of you; Brethren, you have done right in complying with the General's request, & you may be assured I will represent your readiness on this occasion to him, & Sir William Johnson, in a proper manner.

"Brethern:

"When first your Brethren, the English, settled here, they kindled a Council Fire for all the Nations of Indians to the Sun Setting, but for two Years past, this Fire has been neglected and was near going out. Now, Brethren, I put some good dry wood on your Council Fire, that it may blaze up to the Sky, so that all Nations may see it, and come here to smoke with their Brethren in peace.

"Brethren:

"Now I have kindled your Council Fire, and made it burn clear, I again, with this Belt, disperse all the dark Clouds that has been hanging over your heads for some time past, that you may see the Sun clear.

"Brethren:

"You have now appointed a Deputation to go to Sir William Johnson's, of your several Nations, to confirm a lasting peace as you promis'd Col. Bouquet last fall; You have made a good choice; I am well acquainted with your Tribes, and I know these to be the Chiefs & Men of consequence in your Nations; I approve of them; Therefore, Brethren, I now make the Road smooth and easy to their Feet, & remove any Logs that may have fallen across it, that you may Travel safe to Sir William Johnson's.

"Brethren, the Shawanese:

"You Yesterday delivered to Major Murray & me a number of our people, agreeable to your promises, & say the few remaining, which was out a hunting, should be brought here as soon as possible; your conduct in this is very agreeable, & convinces us of your Sincerity, & be assured I will represent it properly to the General & Sir William Johnson, & I desire you will, as soon as possible, bring in those you left behind.

"Brethren:

"Yesterday you made two Speeches concerning our past conduct in Trade. I must observe to you that had we a mind to recapitulate Injuries, we could convince you that we have much more reason to complain of your Conduct than you have of ours, but we have thrown away from our remembrance every thing that gave us any trouble, and hope your future conduct will be such as will give us no reason to repeat past offences, and to convince you of our Sincerity, the Commanding Officers here, tho' he has no orders for it, will take upon himself to open the Trade and suffer you to purchase such necessaries as is here, which is but little, owing to your own backwardness in not coming here early in the spring, as you promised, but as soon as the General is made acquainted with your Conduct at this meeting, he will order our Traders to supply you with all necessaries you may want.

"Brethren:

"You desire that rum may be sold to you; the traders here have none, but as soon as you have sold your peltry, and is setting out for your own Country, Major Murray will make you a present of some.

"Brethren:

"I have now finished every thing I had to say to you only to acquaint you that the General, willing to convince you of the Sincerity he has towards you, has ordered Major Murray & me, on your complying with what he ordered me to require of you, to make you a present of Goods to Cloath your Women & Children, which we now deliver to your several Tribes"

After the presents were delivered, Kyashuta spoke to the Delawares and Shawanese:

"Nephews, the Delawares and younger Brethren the Shawanese:

"You have now heard every thing your Fathers, the English, had to say to you, and as you have assured them you will comply with every thing they desired, be strong. We have appointed Deputies to go to Sir William Johnson's and men to attend Mr. Croghan on his Journey; here is one of our Chiefs, who is to stay here with his Family to assist our Brethren, the English, in Council."

Then he addressed himself to Major Murray & me, & pointed to the Chief, saying, this is the man to stay here with you till our return."

Then Custologa spoke to the Six Nations in behalf of y^e^ Delawares :

"Uncles: You yesterday desired us to return to our old Settlements, & live in peace with our Fathers, the English; this, I assure you, we will do, & you shall see us kindle our Fire again at our old places."

Gave a Belt.

Then addressing himself to the English :

"Fathers: I must now call you; It's your desire that we appoint Deputies; this is done, and we send such men as are best acquainted with the Affairs of our Nation."

A true Copy from Mr. Croghan's Journal.

ALEXANDER M'KEE.

The Board having taken the said Letter and Journal into consideration, as well as the favourable State of Indian Affairs in general, were of Opinion that a free Intercourse and Trade ought to be immediately opened & established between his Majesty's Subjects of this Province and the several Nations and Tribes of Indians now in Amity with the Crown of Great Britain. A Draught of a Proclamation being accordingly prepared, was read & approved, & ordered to be published this week in the Pennsylvania Gazette & Journal. 200 Copies of the same were also directed to be printed in seperate Sheets, & dispersed thro' the Province.

The Proclamation follows in these words, viz^t^ :

"*By the Honourable JOHN PENN, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, & Sussex, on Delaware.*

"A PROCLAMATION :

"WHEREAS, His Majesty, by his Royal Proclamation, given at S^t^ James's the Seventh day of October, 1763, in the third Year of his reign, was graciously pleased to declare and enjoin, that the Trade with the several Nations or Tribes of Indians with whom he is connected, & who live under his protection, should be free and open to all his Majesty's Subjects whatever: provided that every person who might incline to trade with the said Indians, should take out a License for carrying on such Trade, from the Governor or Commander-in-Chief of any of his Colonies, respectively, where such person should reside, and also give Security to observe such regulations his Majesty should at any time think fit, by himself or by his Commissaries, to be appointed for that purpose, to order and direct, for the benefit of the said Trade; And his Majesty did thereby authorize, enjoin, and require the Governors & Commanders-in-Chief of all his Colonies, respectively, as well as those under his immediate Government as those under the Government and direction of Proprietaries, to grant such Licenses without Fee or reward,

taking especial care to insert therein a condition that such Licence should be void and the Security forfeited, in case the person to whom the same is granted should refuse or neglect to observe such regulations as his Majesty should think proper to prescribe as aforesaid.

"*And Whereas*, by my proclamation, dated the 5th Day of December last, a Cessation of all Hostilities between his Majesty's Subjects in this Province, and the several Tribes of Northern and Western Indians, was strictly enjoined and required; since which great numbers of the said Indians have lately assembled at Fort Pitt, & there renewed and confirmed with George Groghan, Esq^r^ Deputy Agent for Indian Affairs, their engagements, formerly made with Brigadier General Bouquet, to cultivate the strictest harmony & friendship with all his Majesty's Subjects, and have given sufficient Hostages as a security for the faithful performance thereof, and desired that they might again enjoy the Benefit of a trade with the Inhabitants of this Province: I have, therefore, thought fit, by and with the advice of the Council, to issue this proclamation, hereby publishing & declaring to all his Majesty's Subjects within my Government, that from and after the 20th day of June instant, all intercourse and trade with the several Nations and Tribes of Indians in amity with the Crown of Great Britain, and living under his Majesty's protection, shall be free and open to all persons residing in this Province, who shall apply for and obtaining my Licence to carry on such trade, under the provisions and restrictions mentioned in the said Royal Proclamation. *And Whereas*, I have received information that sundry persons have, at several times lately, assembled themselves in armed Bodies on the Western Frontiers of this Province, and have, in a most riotous and illegal manner, presumed to interrupt the passage of all kinds of Goods to Fort Pitt, by which the Garrison there hath been greatly distressed; and that small parties are now encamped and lying in wait for the same purpose, on the road of Communication to that post; *I do hereby* strictly charge and command all persons whatsoever, so assembled, forthwith to disperse themselves, and desist from all such illegal proceedings and practices, as they will answer the Contrary at their peril; *And I do* further enjoin & require all his Majesty's Subjects within this Government, to suffer every person hereafter travelling towards Fort Pitt with Goods, wares, or Merchandize, and having my Licence to trade with the Indians; as also, all persons transporting Goods and military Stores for the use of any of his Majesty's Garrisons, & having a passport for the same, from the Commanding Officer of one or more of the posts, to proceed and pass with the said Goods, Wares, merchandizes, & military Stores, freely and safely, without offering Violence or injury to their persons, or any Goods under their Charge, or giving them the least Molestation whatsoever, as they will answer the contrary at their peril; *And I do* further enjoin & require all Magistrates, Sheriffs, and other Officers, to use

their utmost Endeavors at all times to quell and suppress all riots, tumults, and disorderly proceedings, tending to disturb the peace & quiet of his Majesty's Subjects, and also to be aiding & assisting in discovering & apprehending all persons that may be in any manner concerned therein, that the Offenders may be prosecuted according to due Course of Law.

"*Given* under my hand and the Great Seal of the said Province, At Philadelphia, the fourth day of June, in the fifth Year of His Majesty's Reign, & in the Year of our Lord one thousand seven hundred and Sixty-five.

"JOHN PENN.

"By His Honour's Command.

"JOSEPH SHIPPEN, Junr, Secretary.

"GOD SAVE THE KING."

It being represented to the Governor that there is a necessity for a Magistrate in Muspellion Hundred, Kent County, & Mr. Robert Killen being recommended as a fit person for that purpose, a Special Commission was ordered to be made out accordingly.

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A Letter from his Excell'cy Genl. Gage to Governor Penn.

NEW YORK, June 2d, 1765.

"Sir:

"I have the pleasure to acquaint you that Sir William Johnson has finished his Congress with the Delawares, Senecas, &ca., in a very satisfactory manner, & he says beyond his Expectations. It is not necessary for me to relate to you what has passed with the Delawares and Shawanese at Fort pitt, as I am informed from thence that a Copy of the Conferences held there was transmitted to you. As the Shawanese have punctually complied with the Engagements made with Col. Bouquet, and as Sir William has settled affairs on the Mohawk River with the Tribes who met him there, to as much advantage as could be desired, I am only to make application to you that the Trade may be opened on the side of the Ohio as soon as possible. This seems the more necessary to be done immediately, as the Indians, desire it very strenously as a proof of Sincerity on our part, having themselves complied with all the Conditions imposed upon them by us, And the Trade is already opened in every other part.

"The Indians have appeared so well disposed that there is great reason so expect the Country will enjoy a Series of peace and Tranquility, unless interrupted by the Riotous and Lawless proceedings of the people upon the Frontiers of Pennsylvania, Maryland & Virginia. I have the honor to inclose you extracts of three Letters on

the subject of the violences they have been guilty of, and unless some measures are taken to restrain their Licentiousness, to punish them for the murders they have committed, and keep them in subjection to the Laws, There is too much reason to apprehend our Affairs will soon be thrown into worse confusion than they have ever been in. I have the honor to be, with great regard, Sir,

"Your most Obedient humble Servant,
"THOS. GAGE.

"Honble Lieut^t. GOVERNOR PENN."

MEMORANDUM, 7th June, 1765.

The Governor this day issued a Commission appointing John Vining, Jacob Vanbeber, Richard M^cWilliams and John Clowes, Esq^rs., Justices of the Court of Oyer and Terminer and General Gaol delivery for the Government of the Counties of New Castle, Kent and Sussex on Delaware.

At a Council held at Philad^a. the 26th June, 1765.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieuten^t. Governor, &ca.

Benjamin Chew, Lynford Lardner, } Esq^rs.
Richard Penn, }

The Governor laid before the Board a Letter he received from his Excellency Major General Gage, dated the 16 June, 1765, inclosing extracts of 2 Letters, and a Copy of an Advertisement he had received from Lieutenant Colonel Reid, complaining of the riotous Conduct of the Inhabitants of Cumberland, their Insults & Abuses to his Majesty's Troops, &ca., which were severally read & are as follows, viz^t.:

A Letter from General Gage to the Governor.

"NEW YORK, June 16, 1765.

"Sir:

"I have the honor to transmit to you some Extracts of Letters which I have received concerning the Proceedings of the Inhabitants of Cumberland County, who appear daily in Arms, and seem to be in an actual State of Rebellion. It appears, likewise, that the Rebels are supported by some of the Magistrates, particularly one Smith, a Justice of the Peace, and headed by his Son. Unless these Insurrections are immediately quelled, and the Authors and

Abettors of them brought to punishment, it is impossible to say where they will end. If the King's Troops are fired upon, and his Forts threatned with Assaults by Men in Arms, headed by Magistrates, who refuse the ordinary Course of justice demanded of them by the Officers, I can't pretend to answer for the Consequences. It belongs to you to point out the Measures proper to be taken in such Circumstances, but it is my duty to represent these matters to you, and to offer you every assistance in my power for the support of Government, and to enforce an Obedience to the Laws, both which seem in danger of entire Subversion.

"It is proper to acquaint you that a very large Convoy of Goods went from New Orleans for the Illinois last February, & that it is probable they are by this time arrived there. This makes it necessary for us to open the Trade at Fort Pitt as soon as it is possible, & that the Officers commanding there should be made acquainted when the Traders may be expected, that he may give notice of it to the Indians of Ohio, and prevent their going to the Illinois for their necessarys. If the Trade is postponed at Fort pitt, the Indians will soon discover where supplys are to be had, & we shall drive them again into the Arms of the French.

"I am, with great regard, Sir,

"Your most Obed$^{t.}$ humble Serv$^{t.}$,

"THO$^{S.}$ GAGE.

"Hon$^{ble.}$ Gov$^{r.}$ PENN."

Extract of a Letter from Colonel Reid to General Gage.

Dated "CARLISLE, 1st June, 1765.

"I received Letters from Lieutenant Grant, Commanding at Fort Loudon, complaining much of some late Insults received from the Rioters near that post. He says on the 28 Ultimo he was taking the air on Horseback, and about half a mile from his post was surrounded by Five of the Rioters, who presented their pieces at him; the person who commanded them to shoot the Bougar, that one of them fired at him, which frightned his horse, who run into the Bushes, & occasioned his being thrown upon the Ground. They then disarmed him, carried him fifteen Miles into the Woods, and threatned to tye him to a Tree and leave him to perish, if he would not give them up some Arms, which, by his Orders, were taken from the first party of Rioters that appeared at his post. When he saw they were determined to put their threats into Execution, he thought it was best to promise them their Arms, and was made to give Security to deliver them up in five Weeks, under a penalty of Forty Pounds, which being obtained in that manner, certainly cannot be binding. Mr. Grant has also sent me a Copy of a very sin-

gular Advertisement, which was found pasted up by the rioters at some distance from his post, which I have taken the liberty to inclose. The Express who brought the dispatches from Loudon tells me he was stopt by some of the Fellows on the road, who would have taken his Letters from him, but being Armed with a Broad Sword, & his Companion having a Pistol, they stood on their defence & wou'd not Submit."

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Extract of a Letter from Lieutenant Colonel Reid, Commanding his Majesty's Forces in the district of Fort Pitt, to his Excellency Gen'l. Gage, Commander-in-Chief, &ca., &ca., &ca., Dated Fort Loudon, 4th June, 1765.

"The first rendezvous of the Rioters was at Justice Smith's, about 5 Miles from Fort Loudon, the 6 day of March last; From thence they followed the first Convoy of Goods, consisting of eighty-one horse loads, twelve miles further, and burnt and pillaged Sixty-three loads. Captn. Callender applied to Lieut. Grant for a Sergeant and 12 Men, which he agreed to, who saved the remaining loads, chiefly consisting of Liquor, and made some of the rioters prisoners, who were afterwards released upon Bail, and took eight rifles, in all which Lieut. Grant is justified by Brigr. Bouquet, in his Letter of the 14th of March, who desires him to keep the rifles in his possession till the Owners' names shall be found out, which he has accordingly done. Lieut. Grant, in his Letter to Brigadier Bouquet, of the 9th of March, informs him that he was threaten'd, if he did not deliver up his prisoners, that 200 Men in Arms would come and burn the Fort and rescue them by Force, which obliged Lieutt. Grant to keep his Garrison under Arms a whole night, being in expectation of an Assault; and upon their being admitted to Bail, Smith, the ringleader of the Rioters, had the Assurance to come into the Fort and told Lieutenant Grant that they were determined to fire upon the Troops, in case they attempted to carry these Men Prisoners to Carlisle.

"Several Horses loaded with Liquors and Necessaries for the Troops, on the Communication belonging to Joseph Spears, arrived at Fort Loudon, where the Goods were deposited, and the Drivers carried their Horses as usual into the Woods to Feed, where they were attacked by about thirty of the Rioters in disguise, with their faces blacked, who tied them up and flogged them severely, Killed five of their horses, wounded two more, and burnt all their Saddles. One of the drivers who made his Escape, returned to the Fort and implored the Protection and assistance of the Commanding Officer, in rescuing his Companions and preventing the Horses from being killed. Lieutt. Grant thought it his duty to send a Sergeant & 12 men for that purpose; the Rioters finding themselves pursued, fired upon

the Party, who returned the Fire, & Slightly wounded one of them in the Thigh.

"10th of May. About 150 of the Rioters in Arms, Commanded as I am informed, by James Smith, and attended by three Justices of the Peace, appeared before the Fort, & demanded to Search the Goods, with an intention, it is believed, to plunder and destroy them, as they had done before. Lieutenant Grant suspecting their design, told the Justices that the Goods were under his protection by order of the Commander-in-Chief, who had been pleas'd to send him Instructions to have an Inventory of the Goods taken by a Justice of the Peace, and that he inteuded to apply to one of their number to have it done, but did not think it safe at that time, in presence of such a *Mob*, whom he had reason to suspect; to which the Justices made answer that they wou'd not come again, and impertenently said, they were not under the General's Orders, but that it is their Governor's Orders they are to obey. The Justices further told Lieutenant Grant that they would pay no regard to any Military Officers pass of whatever rank he might be, and that no Goods whatever could be safe in going along the Communication, without a pass from a Justice of the Peace. After this declaration, it cannot be doubted that some of these Justices have encouraged the rioters & even protect them in their lawless measures; none of the Justices have taken any notice of the outrage & violence committed on Lieut. Grant and the two Sergeants I made mention of in my last; on the contrary Smith, who heads these villians, together with the rest of the party who committed these Violences, have appeared ever since openly at Justice Smith's house, and were seen there by Lieut. Grant himself, who complained of them to the said Justices but could obtain no redress. Mr. Maxwell, a Justice of the Peace, who has always disapproved of the measures of the rioters, has had his life threatened by them.—He tells me that one of the Rioters had the assurance to confess to him the day before they appeared in arms before the Fort, that they were determined by Force to sieze upon the Goods and plunder them, which he says the Rioters made no secret of. Mr. Maxwell also says that the common place of Rendezvous for them is at Justice Smith's, who he believes encourages them. I have seen some passes signed by Justice Smith and his Brother-in-law, not only for traders but even for Soldiers of the Garrison, who are not safe to go any where about their lawful affairs by a pass from their own Officers.—They use the Troops upon every occasion with such indignity & abuse that Flesh and Blood cannot bear it.—A party of them had the Impudence again to intercept the Express I mentioned in my last, in his return from Carlisle to this place, used him cruelly, and detained him all day yesterday; one Wilson, who seemed to headed the party, told the Express that they were determined to stop the Cloathing of the Regiment in its way from Carlisle."

"ADVERTISEMENT:

"These are to give notice to all our Loyal Voluntiers, to those that has not yet enlisted, you are to come to our Town and come to our Tavern and fill your Belly's with Liquor and your Mouth with swearing, and you will have your pass, but if not, your Back must whipt & your mouth be gagged; You need not be discouraged at our last disappointment, for our Justice did not get the Goods in their hands as they expected, or we should all have a large Bounty. But our Justice has wrote to the Governor, and every thing clear on our side, and we will have Grant, the Officer of Loudon, Whip'd or Hang'd, and then we will have Orders for the Goods, so we need not stop; what we have or mind and will do for the Governor will pardon our Crimes, and the Clergy will give us absolution, and the Country will stand by us; so we may do what we please, for we have Law and Government in our hands & we have a large sum of money raised for our Support, but we must take care that it will be spent in our Town, for our Justice gives us, and that have a mind to join us, free toleration for drinking, swearing, sabbath breaking, and any outrage what we have a mind to do, to let those Strangers know their place. It was first Possess, (Black's Town,) and we move it to Squire Smith's Town, and now I think I have a right to call it, and will still remain till our pleasure, and we call it Hell's town, in Cumberland County, the 25th May, 1765."

Peeters Township.

"Your Scripture says 'that the Devil is the Father of Lies,' but I assure you this is the plain truth what I say.

"God Bless our brave loyal Volunteers, and success to our Hellstown."

The said Letters, &ca., being duly considered, the Council advised the Gov^r to write to the Justices of Cumberland, fully acquainting them with the Complaints made by Col. Reid against the people in that County, and requiring them to obtain a full account of their Behaviour, the names of the persons concerned in any riots, supported by affidavits, and particularly as to the making Lieut. Grant a prisoner, and to transmit the same to the Governor, and also commanding them to use their utmost Endeavours to suppress all riots, to preserve the publick Peace, and bring the Offenders to Justice. The Board were likewise of Opinion that a Letter should be wrote to Justice Smith, requiring him to come to Philadelphia to answer the new charges against him. Another to Justice Maxwell, requiring him to appear at the same time, with witnesses to support them; Another to Lieut. Grant, desiring him to send depositions relating to his being made a prisoner, & the abuses and insults he had received, &ca.; And lastly, that the Governor would answer

Gen^{l} Gage's Letter, giving him a detail of his own Conduct on receiving intelligence of the destruction of the Goods at Sideling Hill, his Journey to Carlisle, the indefatigable pains & legal steps he had taken there to discover the Offenders & bring them to Justice; And further informing him of the measures he is now taking in consequence of the General's Letter, &ca.

The Governor ordered a special Commission to be issued, appointing Mr. William Conwell a Justice of the peace and of the County Court of Common Pleas for Sussex County, in the room of John Clowes, Esq^{r}, who was appointed one of the Justices of the Supream Court, &ca.

—

28th June, 1765.

MEMORANDUM.

The several Letters which the Governor wrote to the Justices of the County of Cumberland, Mr. Smith, Mr. Maxwell, Lieuten^{t} Grant, & to his Excellency Major General Gage, pursuant to the advice of the Council on the 25th Instant, are respectively as follow, vizt.:

A Letter from the Governor to Justice Smith, at Conegocheague.

PHILAD^{a}, 27th June, 1765.

"SIR:

"I am to inform you that you have been lately charged with having encouraged and protected the rioters in Cumberland County, in their illegal and disorderly proceedings, and that you have suffered your House to be made their place of Rendezvous; This was complained of by Lieutenant Grant & Justice Maxwell to Lieutenant Col^{a} Reid, who communicated the same to General Gage; and his Excellency has represented the matter to me, & sent me extracts of the Colonel's Letters, Copies of which I have sent inclosed in a Letter this day wrote to the Magistrates of Cumberland upon the Subject, and I desire to refer you more particularly to them for the Complaint made of your Conduct. As it is necessary for your own honour and my satisfaction, that you should clear up the matter if it can be done, I do require you to appear before me at Philadelphia, on Tuesday the 30 day of July next, to answer these new Charges; on which Occasion I have, also, required Justice Maxwell to be here.

"I am, Sir,

"Your most Obed^{t} humble Servant,

"JOHN PENN.

"WILLIAM SMITH, Esq^{r}."

A Letter from the Gov'r to Justice Maxwell, at Conegocheague.

"PHILAD^{A}, 27th June, 1765.

"Sir:

"I find by Letters which Gen. Gage has lately received from Lieut. Colonel Reid, that among other matters relating to the riotous proceedings of the Inhabitants of Cumberland, Justice Smith is charged with having countenanced and protected those people in their illegal practices, & particularly that you have informed the Col. that the common place of their Rendezvous is at Justice Smith's, and that you believe he encourages them. These fresh heavy Charges against Mr. Smith render it necessary for me to make a strict enquiry into his Conduct, for which purpose I have required him to be at Philadelphia, to answer them before me, on Tuesday the 30 July next, at which time I desire you will also attend here, with any Witnesses or Proofs you may have relating to Mr. Smith's behaviour, to make good your suspicions.

"I am, Sir, Your most Obed^{t} h'ble Servant,

"JOHN PENN.

"JAMES MAXWELL, Esq^{r}."

A Letter from the Governor to the Justices of Cumberland County.

"PHILADELPHIA, 27th June, 1765.

"Gentlemen:

"I have lately received a Letter from his Excellency Gen^{l} Gage, complaining much of the riotous conduct of the Inhabitants of Cumberland; that they daily appear in Arms, and seem to be in a State of Rebellion; that they are supported in their proceedings by some of the Magistrates, & particularly by Justice Smith; that the King's troops are fired upon, and his Forts threatned with assaults by Men in Arms, headed by Magistrates, who refuse the ordinary Course of Justice demanded of them by the Officers; And that unless these Insurrections are immediately quell'd, and the Authors and Abettors of them brought to punishment, it is impossible to say where they will end, or what may be the consequences. As a foundation for these charges, the General has transmitted to me Extracts of two Letters from Lieut. Col. Reid, with a Copy of an Advertisement which was found fixed up near Fort Loudon. I herewith send you Copies of those Extracts, as far as relate to the Rioters, since my Journey to Carlisle, and I do require you forthwith to obtain a full and true state of those several matters, & to procure the names of the persons concerned therein, supported by Affidavits, more particularly as to the affair of making Lieut. Grant a Prisoner, and transmit the same to me. I hope my late Proclamation will have a good Effect in causing these Violences and Outrages to subside, yet I think it

necessary at this time to acquaint you in a more particular manner that it is my express Commands to each & all of you, that you be constantly diligent & active in exerting all your power, influence, & endeavours, to quell and suppress the first appearances of any riots & disorders in the County, to preserve the publick peace, & to bring the Offenders to Justice.

"If I find the same turbulent & unruly Spirit still continues which has actuated the people of your County for several Months past, I shall be under the disagreeable necessity of applying, in the last resort, to the General for the assistance of his Majesty's Troops, which he is ready to furnish me with to enforce my Orders, & a due Obedience to the Laws.

"I am, Gentlemen,

"Your most Obed^{t} h'ble Serv^{t},

"JOHN PENN.

"To JOHN ARMSTRONG, Esq^{r}, & his Associates, Justices of the Peace for the County of Cumberland."

A Letter from the Governor to Lieutenant Grant.

"PHILADELPHIA, 27th June, 1765.

"Sir:

"I am informed by Gen^{l} Gage that he has received Letters from Lieut^{t} Col. Reid, informing him of your having received many insults from a set of riotous People near your Post, & particularly that on the 28 of last Month, as you was taking the air on Horseback, you was surrounded by five of the Rioters, fired at, taken Prisoner, & carried into the Woods, & there obliged by their threats to give a Bond of £40 to deliver them up their Arms you had in possession. As it is necessary for me to be fully and particularly acquainted with these Facts, to enable me to take the proper steps to bring the Offenders to Justice, I desire you will furnish me with a true and exact State of this affair, and the names of the persons who have been guilty of those Outrages; but this must be done upon Oath, before some Justice of the Peace, who is to transmit the Deposition to me.

"If, at the same time, it is in your Power to prove any Charges you have made against Justice Smith, or any of the other Justices, with having encouraged the rioters, or Countenanced them in their lawless proceedings, they should be made to appear also, upon Oath.

"I am, Sir,

"Your Most Obed^{t} humble Serv^{t}

"JOHN PENN.

"To Lieut. GRANT, Command^{g} at Fort Loudon."

A Letter from the Governor to General Gage.

"PHILADELPHIA, 28th June, 1765.

"Sir:

"Last Week I was honoured with your Excellency's Letter of the 16 Instt. inclosing extracts of two Letters from Lieutt. Col. Reid, concerning the Rioters Conduct of some of the Inhabitants of Cumberland County. In the detail the Col. has given you, he begins the affair of the Destruction of the Goods at Sideling Hill, in March last, about which I wrote you at the time, and mentioned my intention of going to Carlisle, in order to get more certain Intelligence about that matter, & to take the proper Steps to bring the Offenders to Justice. This affair was an object of much concern to me, and I was extremely anxious to make a discovery of the Offenders, that an effectual stop might be put to any practices of the like sort for the future. I accordingly made a Journey to Carlisle, & took with me the Attorney General and two other Members of Council. On my Arrival there I immediately sent for Captn. Callender, one of the Owners of the Goods that were destroyed, to give me all the Information he could of the persons he suspected were principally concerned in the outrage, and to furnish me with all the names of ye Witnesses who could be supposed to know anything of the matter; altho' I could not gain certain proofs of the persons who committed the Fact, I caused Warrants to be instantly issued for such as were suspected, and the Sheriff was dispatched to execute them, being authorized to collect the power of the County to his aid, and instructed to desire the assistance of the King's troops at Fort Louden, if he should find it necessary. This Step, however, proved ineffectual; the suspected persons had all absconded before he arrived in the part of the County where they lived, so that not one was apprehended. In the mean time the Witnesses were sent for & examined on Oath, and I herewith send you Copies of several of the Depositions, by which you will perceive what part Justice Smith, who is charged to have encouraged the Rioters, appear to have acted upon that occasion. All the Witnesses who were examined, as well as a number of others who were then absent, were, by my orders, bound over to give Evidence at the next Court, and Bills of Indictment were accordingly presented to the Grand Jury, but tho' all the Witnesses appeared and were examined by the Jury, it seems they were of Opinion that there was not sufficient Testimony to convict a single Person charged, and the Bills were returned ignoramus.

"Thus I have the satisfaction to acquaint you, that in a regular Course of Justice, I have done everything on this occasion that could be done consistent wth Law. Indeed, if the Assembly had paid any regard to my recommendation some time ago, and framed a proper Militia Law, all the late Mischief and disturbance might have been prevented, such a Law being absolutely necessary to aid

the civil powers, and indeed the only natural defence and Support of Government.

"With regard to the late disturbances mentioned by Col. Reid, and which you have recommended to my Notice, I shall take all possible means to come at the truth of them in a legal and regular way, most of them having been communicated to me as bare reports. I did, however, in consequence thereof, in my late Proclamation, repeat my injunctions and strict Commands to the Magistrates, Sheriffs, and other Officers, to use their utmost endeavours to suppress all Riots and disorderly proceedings among the people, and I am in hopes, now, that the Indian Trade is everywhere opened, and all persons in this Province who carry up Goods for that purpose, will have Licences from me, & all these disturbances will be at an end.

"I have this day wrote in a more particular manner to the Magistrates of Cumberland, charging them with my express commands that they be constantly active and diligent in exerting their power and influence to quell all appearances of Insurrections and disorders in that County; and that they do forthwith obtain a full and true State of the late Outrages, more particularly as to the insult on the King's Forts, and making Lieutenant Grant a prisoner, and to procure the names of the persons concerned therein, supported by affidavits & to transmit the same to me. I have also wrote to Justice Smith, informing him of the new Charges against him, and required him to appear before me at Philadelphia to answer them. Justice Maxwell is ordered down as a Witness to support them. I have likewise dispatched a Letter to Lieut Grant, desiring him to furnish me with Depositions relating to the affair of the ill usage he received, his being made a prisoner, and the names of the Offenders, if any of them are known to him, and also to send me any Affidavits that can be obtained in proof of the Charges against Justice Smith or any of the other Magistrates, & you may be assured that every thing shall be done on the occasion that the Law will justify or the honour and dignity of the Government demand.

"The Advertisement you did me the honour to inclose me is a very extraordinary one. The insinuations in it, that the Conduct of those lawless people is countenanced & abetted by me, are Villanously false & scandalous, and most injurious to my Reputation. I shall spare no pains in detecting the Authors of it, but I cannot help suspecting that it takes its rise from a party in this province, who have been indefatigable in their endeavours to malign and traduce me on all occasions.

"I am much obliged to you for your offers of assistance to me in the support of Government & to enforce an obedience to the Laws. You may be well assured that if I gain information & proof of the persons who have been concerned in these Outrages, particularly the insults offered to the King's Forts & the abuse of the Officers & Soldiers, I shall immediately order them to be appre-

hended & made Examples of, & if in the Execution of this Business, the assistance of the regular Troops shall be found necessary, I shall take the liberty of applying to you to furnish me with a Detatchment on the occasion.

"I am with great regard
"Sir, your most Obed^{t} h'ble servant,
"JOHN PENN.

"To his Excellency
The Honble THOMAS GAGE."

MEMORANDUM.

The Governor received a Letter from Sir William Johnson, dated at Johnson Hall, 7th June, 1765, inclosing a Copy of his late Treaty of Peace with the Delaware Nation of Indians, which was ordered to be entered in the Council Books, and follows in these words, viz^{t}:

Treaty of Peace with the Delaware Nation, entered into by their deputies, before Sir William Johnson, Baronet, his Majesty's sole Agent and Superintendant of Indian Affairs in the Northern Department of North America, &ca., &ca., &ca.

"Article 1st.

"That in Consideration of the Delawares' sincere promises of future good behaviour, of their having delivered up to Col. Boquet a large number of English, who were their prisoners, and of their Chearfully, according to the subsequent Articles, & faithfully observing them forever hereafter, His Majesty is graciously pleased to pardon what hath passed, and they shall be once more received into the Covenant Chain of Friendship with the English.

"Article 2d.

"That the Delawares of Susquehanna, who fled from their Habitations on the approach of the Parties of Indians & Rangers sent against them last year by Sir William Johnson, be comprized in this Treaty, and abide by every Article contained therein which can in any wise relate to them, in consequence of the Treaty entered into before him at Niagara last Summer with the Senecas, provided they bring in all the English Prisoners, Deserters, Frenchmen, & Negroes within Forty days, agreeable to the Engagements they have lately entered into, for the performance of which they have left two Chiefs Hostages, that then the Delawares that were taken prisoners last Winter and remain at New York shall be discharged, but the rest, who were distributed among the several Nations, must remain where they now are.

"Article 3d.

"That the Delawares do immediately open the road of Peace throughout every part of their Country, giving free permission to all his Majesty's Troops, or other his Subjects, to pass through the same; that they likewise open the rivers, allowing a free and open Navigation for Boats, Canoes, or any other Craft, to all his Majesty's Subjects for ever hereafter; That they engage never more to Molest them, either by Land or by Water, or cause the same to be done by any other Nation or Tribe of Indians, but that they shall use all their Endeavours to prevent any such designs, & give the earliest Intelligence of them to the English, to whom they shall afford assistance if required.

"Article 4th.

"That the Delawares do, to the utmost of their power, immediately open the road to the Illinois, and use every possible endeavour for obtaining the possession thereof, and securing the same to the English; That in case Mr. Croghan, Deputy Agent for Indian Affairs, be not yet set out for the Illinois from Fort Pitt, they shall send proper persons to accompany & assist him, and those who go with him, to take possession of the Forts and Garrisons in that Country, ceded by the French to the Crown of England.

"Article 5th.

"That they do forthwith use all possible means for bringing the Shawanese to a proper sense of their late conduct, to deliver up all the prisoners remaining in their hands without farther delay, & send Deputys to Sir William Johnson to treat about peace.

"Article 6th.

"That they deliver forthwith to the Commanding Officer at Fort Pitt, those seven English yet among them, as also all Deserters, Frenchmen & Negroes, and engage never to screen, protect, or Encourage any such persons for the future, but should any such persons take refuge amongst them, they are to bring them without delay to the Officer Commanding at the next Garrison, or to the Commissary, when such is appointed, who will be empowered to reward them for their trouble.

"Article 7th.

"That they do promise & engage never to take revenge for any Act committed by Individuals of the British Nation, but to make due Complaint thereof to the next Commanding Officer or the Commissary, when appointed, who will apply to the Government to whom the delinquent belongs, that he may be brought to Tryal, when they may expect to have strict Justice done them. And should any of the Delawares at any time hereafter, rob, murder, or otherwise misuse any of his Majesty's Subjects, as the Indians have

no establish'd Laws for punishing the Guilty, they are without Excuse or delay, to bring such offenders to the nearest Garrison, from whence he will be sent to the next Province in order to take his Tryal, at which the Chiefs of the Delawares may be present, that they may see the Charges are fully proved against him, & be sensible of the Equity of the Brittish Laws.

"Article 8th.

"That should any dispute or difference arise relative to Lands or otherwise, they are by no means to insult the Officers Commanding posts, or any other his Majesty's Subjects, who cannot be answerable for these matters, but they are to lay their Complaint before the Deputy Agent for that district, who will transmit the same to Sir William Johnson, that they may obtain Justice.

"Article 9th.

"That many of the Traders who were plundered & severely treated by the Delawares in 1763, having represented the great distresses to which they are thereby reduced, and prayed relief. The Delawares are therefore to fall immediately on a method for making them some Restitution by a grant of Lands, provided his Majesty shall approve thereof & the Six Nations first give their approbation thereto.

"Article 10.

"That whenever his Majesty shall be pleased to direct that Limits should be settled between his Subjects & the Indians, with their consent, The Delawares engage to abide by whatever Limits shall be agreed upon between the English and the Six Nations, & shall never disturb his Majesty's Subjects upon that account.

"Article 11th.

"That a Trade shall be opened as soon as it conveniently may be with the Delawares, which Trade will be at the Principal Posts, and continue during the good Behaviour of that Nation; that they do therefore in an especial manner protect the persons & propertys of the Traders who may be going to or returning from the posts, promising never to take away their Horses, or otherwise impede their Journeys or molest them on any account; but in case of Fraud they are to lay their Complaint before the Commanding Officer at the trading Post, until the appointment of Commissarys, who will then have the Inspection thereof.

"Article 12th.

"*That* the Delawares shall communicate the particulars of the peace they have made to all Nations with whom they have any intercourse; that they shall enforce the observance thereof in an especial manner over their people; and lastly, that they shall enter

into no Engagements with any Nation whatsoever, without the knowledge of the Superintendant of Indian Affairs, or those duly authorized by the King of Great Britain.

"DANIEL CLAUSE, Esq^r.
"GUY JOHNSON, Esq^r.
"Dpt^y. agt^s for Ind^n. Affairs.
"JOHN BUTLER, Justice.
"DAVID OWENS,
"Delaware Intepreter."

"The foregoing articles being fully explained and assented to, I have, in Testimony whereof, set my hand and Seal at Arms, at Johnson Hall, the 8th day of May, one thousand seven hundred and sixty-five.

"W. J. [L. S.]"

"We, the Deputys from the Delaware Nation, having had the foregoing articles duly explained to us, do agree to the same in every particular on behalf of all our Nation. In Testimony whereof, we have hereunto signed the marks of our Tribes, and affixed our Seals, the day and Year above mentioned.

"The mark of
"KILLBUCK,
⋈
"Alias
"BEMINCO."
"DAVID,
⋈
or
"DOCHSHEWEHMINT."

"We, the Chief Sachem and Chief Warrior of the Delawares, and Munsies of Susquehanna, having heard the foregoing Articles duly explained to us, do agree to the same on behalf of all our people, as far as they relate to them. In Testimony whereof, we have hereunto signed the Marks of our Tribes, and affixed our Seals, the day and Year above mentioned.

"LONG COAT,
O
"Alias
"ANINDAMOOKY,
"SQUAS CUTTER,
"In Delaware.
"YAGHKAPOOSA,
O
"In 6 Nations.
"ONOSSARAQUETA."

Note.—The above signatures are accompanied with peculiar marks, or signs, indicative of some fancied trait of character, viz:—a turtle, a crab, a boat, &c, &c.

A Letter from General Gage to the Governor.

"New York, July 5th, 1765.

"Sir:

"I have been honoured with your Letter of the 28th Ult^o., together with the several Depositions concerning the destruction of the Goods on Sidling Hill in March last. The difficulty you lay under to bring the persons concerned in the attack upon the Convoy to punishment are very obvious, for its probable that many of the Jury who tried the people who were prosecuted for the Riot, were themselves concerned in it, and the acquital of those people, no doubt, rendered them more bold & audacious afterwards. They have acted ever since without any reserve, and with as much Confidence as if their actions had been legal and warrantable, keeping regular Scouts & Guards upon the Roads. I herewith transmit you Copy's of passes given by Justice Smith & Lieut^t. Smith.

With respect to the advertisement which you resent with so much Justice, it appears to have been the contrivance of some Leader of the Rioters in order to encourage them, and to endeavour to sanctify their proceedings by every means however false audacious: and I most sincerely wish you may be able to discover the author of so daring an Insult. I have the honour to be, with great regard,

Sir, Your most Obedient hble. Servant,

THO^s GAGE.

Hon^ble Gov^r Penn.

At a Council held at Philad^a on Wednesday the 31st July, 1765.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Benjamin Chew, Lynford Lardner, } Esq^rs.
Richard Penn,

The Board represented to the Governor that the Inhabitants of the Town of Lebanon in Lancaster County were put to great Inconveniencies for want of a Magistrate among them, there being none within Twenty Miles of that Town; and Mr. John Philip Dehaas being recommended as a proper person, the Governor issued a Special Commission appointing him a Justice of the Peace and of the County Court of Common Pleas for the County of Lancaster.

At a Council held at Philadelphia on Tuesday the 10th September, 1765.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Benjamin Chew, Richard Penn, Esq^rs.

Two Members of Assembly waited on the Governor this Morning and acquainted him that the House met Yesterday pursuant to adjournment and desired to know if his Honour had any Business to lay before them, to which he made answer that he had nothing at present to recommend to the House, but if any thing should occur during their sitting, he should communicate the same by a Message.

The Governor laid before the Board the records of Conviction of three persons for murder, which being severally read, it appears by one of the s^d Records, that at a Court of Oyer and Terminer and General Gaol delivery held at Lancaster, for the County of Lancaster, the 6th day of August last, before Alexander Stedman, Edward Shippen, & Isaac Sanders, Esquires, Justices of the said Court, assigned by special Commission, Michael Grissbach was tried and convicted of Felony & murder, committed on Mary Whitmer the 3d Septem^r, 1764, and had received sentence of Death for the same.

By one other of the said records it appears, that at a Court of Oyer and Terminer & General Gaol Delivery, held at York, for the County of York, on the 19 day of Aug^t last, before Alexander Stedman, Jn^o. Blackbourn, & Samuel Johnston, Esq^rs, Justices of the said Court, assigned by special Commission, Elizabeth Erwin was tried and convicted of Felony & murder, committed on her own Bastard Female Child, the 1st day of March last, & had received Sentence of death for the same.

And by the other of the said records it appears, that at a Court of Oyer and Terminer and General Gaol delivery, held at Carlisle, for the County of Cumberland, on the 16 day of August last, before Alexander Stedman, John Armstrong, and James Galbreath, Esq^rs, Justices of the said Court, assigned by special Commission, John Money was tried and convicted of Felony and murder, committed on Archibald Gray, the 8 of March last, & had received sentence of death for the same.

The several Cases of the said Mich^l. Grissbach, Elizabeth Erwin, and John Money, being considered, and neither of the Justices of the Courts of Oyer and Terminer afs^d. having reported to the Governor any Circumstances in favour of either of them, The Governor accordingly signed three separate Warrants; one for the Execution of Mich^l. Grissbach, at Lancaster, on the 24th day of September inst^t, another for the Execution of Jane Erwin, at York, on the 26 of the same month; and the other for John Money's Execution at Carlisle, on the 28th of the same month.

September the 14th, 1765.

The Governor taking into Consideration that the Accounts of the Garrison of Fort Augusta, which were settled by his Order, and certified by Col^o. Francis, in June last, still remained unpaid, sent a written Message to the Assembly by the Secretary, in the following words, viz^t.:

A Message from the Governor to the Assembly.

"Gentlemen:

"Immediately on my receiving certain Intelligence that the Indians had ratified their Engagements made last Fall with Brigadier General Bouquet, I gave orders that Fort Augusta should be evacuated, & Commissioned Col. Francis to settle the accounts of that Garrison, and certify how much was due to each man, which has accordingly been done. I now lay before you those accounts & certificates, amounting in the whole, to the Sum of £437 9 6; and as the Public Funds appropriated for the subsistance and pay of the King's Troops have been long since exhausted, I recommend it to you to consider and provide ways and means for the speedy discharge of the Arrears which appear to be due on the above account.

"JOHN PENN.

"September 14th, 1765."

At a Council held at Philadelphia, on Tuesday the 18th Septem^r. 1765.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Benjamin Chew, Richard Penn, Esq^rs.

The Governor laid before the Board the four following Bills, which the Assembly had sent up for his Concurrence, & are entituled as follow, viz^t.:

"An Act for the more easy recovery of Legacies."

"An Act to enable the Inhabitants of the Borough of Lancaster, in the County of Lancaster, to raise money on themselves for supporting a Nightly Watch in the said Borough, & for other purposes therein mentioned."

"An Act to explain and amend a Supplement to the Act entituled 'An Act for the relief of Insolvent debtors within the Province of Pennsylv^a.'"

"An Act to enable the Commissioners herein after named to settle the accounts of the managers, & to sue for and recover from several persons such sums of money as are now due and unpaid on account

of a Lottery set up and drawn, for erecting a Bridge over Skippack Creek, in the County of Philadelphia, & to receive the Voluntary Donations and Subscriptions of the Inhabitants towards the better perfecting the said Bridge."

Which Bills were severally read and considered, and a few Amendments being made to the two first, the Governor directed the Secretary to return them to the House, with the same & the two last mentioned, with a Verbal Message that he agreed to them.

—

Friday, 20th September, 1765.

Two Members of Assembly waited on the Governor with the following Message in answer to his Honour's Message of the 14th Instant, and acquainted him that the House had agreed to the Amendments made to the two Bills; that those, as well as the others, being engrossed, desired he would be pleased to appoint a time for passing them, and send some Members of Council to join in comparing the engrossed Bills with their Originals.

The Governor acquainted them that he would be in the Council Chamber at half an hour after five this afternoon, in order to pass the Bills, and would, in the mean time, appoint one of his Council and the Secretary to collate them.

A Message to the Governor from the Assembly.

"May it please your Honour:

"The House having taken into Consideration your Message of the 14th Instant, acquainting them that you had ordered Fort Augusta to be evacuated, & that there now remains due to the several Officers and Soldiers, lately in Garrison there, the sum of £437 9 6, and recommended to this House to provide ways and means for the speedy discharge thereof; but as the present meeting of the General Assembly is principally intended for the settlement of the public Accounts & the Session so far advanced, that sufficient time cannot be afforded to take this, with other demands, into due Consideration, & provide a suitable Fund for the discharge thereof, the House have therefore determined to recommend the same to the succeeding Assembly.

"Signed by order of the House,

"JOS. FFOX, Speaker.

"Septem^{r} 20th, 1765."

—

Council Chamber, 5½ o'Clock, P. M.

The several engrossed Bills being compared with their Originals & found to agree, the Governor sent the Secretary to the House

with a Message requiring their attendance. The whole House attending accordingly, the Speaker presented to the Governor the four Bills which had been agreed to, entituled

"An Act for the more easy recovery of Legacies."

"An Act to enable the Inhabitants of the Borough of Lancaster, in the County of Lancaster, to raise Money on themselves for supporting a Nightly Watch in the said Borough, & for other purposes therein mentioned."

"An Act to explain and amend a supplement to the act entituled 'An Act for the relief of Insolvent Debtors within the Province of Pennsylvania.'"

"An Act to enable the Commissioners hereinafter named to settle the Accounts of the Managers, and to sue for and recover from several Persons such sums of Money as are now due and unpaid on account of a Lottery set up & drawn for erecting a Bridge over Skippack Creek, in the County of Philadelphia, & to receive the Voluntary Donations & Subscriptions of the Inhabitants towards the better perfecting the said Bridge."

Which the Governor was pleased to enact into Laws, and signed a Warrant for affixing the Great Seal thereto; & they were ordered to be deposited in the Rolls Office.

The Speaker then presented the Governor a Certificate for Five hundred Pounds, for which he returned thanks to the House.

At a Council held at Philad^{a} on Friday y^{e} 4th Oct^{r} 1765.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Benjamin Chew, } Esq^{rs}.
Richard Penn, }

The Governor laid before the Board the Returns of Sheriffs & Coroners for the Counties of Chester, Bucks, Berks, Northampton, Lancaster, York, & New Castle, which being read and considered, the following Persons were appointed, and Commissions were issued accordingly, viz^{t}:

Philip Ford,	Sheriff,	Chester County.
Abel Janney,	Coroner,	
William Buckman,	Sheriff,	Bucks d^{o}.
William Doyle,	Coroner,	
Jasper Scull,	Sheriff,	Berks d^{o}.
Samuel Weiser,	Coroner,	
Peter Kechlein,	Sheriff,	Northampton d^{o}.
David Berringer,	Coroner,	
John Barr,	Sheriff,	Lancaster d^{o}.
Mathias Slough,	Coroner,	

David M^{c}Conaghy,	Sheriff,	York	County.
James Walker,	Coroner,		
Thomas Duff,	Sheriff,	New Castle	d^{o}.
James Walker,	Coroner,		

—

5th October, 1765.

The returns of Sheriffs for the Counties of Cumberland, Kent, and Sussex, being this day made to the Governor, the following Persons were appointed and Commissionated, viz^{t}:

John Holmes,	Sheriff,	Cumberland County.	
James Jack,	Coroner,		
Rhoads Shankland,	Sheriff,	Sussex	d^{o}.
Nathan Young,	Coroner,		
Thomas Collins,	Sheriff,	Kent	d^{o}.
John Gray,	Coroner,		

—

7th October, 1765.

The Return of Sheriffs and Coroners being now made for the City and County of Philadelphia, the Governor appointed and commissionated William Parr, Sheriff, and Caleb Cash, Coroner, for the said City and County.

—

Friday, 11th October.

The Governor ordered the Council to be summoned to meet this forenoon, but none of the Members attending, his Honour was pleased to take into Consideration the case of Henry Halbert, who was lately convicted of Felony & Murder. It appears by a transcript of the Record of his Conviction, that at a Court of Oyer and Terminer, held at Philadelphia, for the County of Philadelphia, on the 25th & 26th days of Septem^{r} last, before William Allen, William Coleman, & Alexander Stedman, Esq^{rs}, Justices of the Supreme Court, &ca., the said Henry Halbert was tried & convicted of Felony & Murder, committed on Jacob Woolman, the 30th day of August last, & had received Sentence of death for the same. But neither the Justices of the Court nor the Attorney General having represented any thing in favour of the said Henry Halbert, the Governor was of Opinion that the Sentence of the Court ought to be executed, and accordingly signed a Warrant for his Execution on Saturday the 19th of October, inst^{t}

In the Council Chamber, Philad^{a}, Tuesday, 15th Oct^{r} 1765.

PRESENT:

The Honourable JOHN PENN, Esq^{r} Lieutenant Governor, &ca.

Richard Penn, Esq^{r}

Eight members of Assembly waited on the Governor last Night, and acquainted him that pursuant to the Charter and Laws of this Province, a Quorum of the Representatives had met, & having proceeded to chuse their Speaker, desired to know when he would be pleased to receive the House, that he might be presented for his Honour's approbation. The Governor having appointed this day at 12 o'Clock for that purpose, acquainted the House, by the Secretary, that he attended his appointment in the Council Chamber, & was ready to receive the House, with their Speaker. The whole House accordingly came up, and presented Joseph Fox, Esq^{r} as their Speaker, who, after receiving the Governor's Approbation, claimed the usual privileges in the name and behalf of the House, viz^{t}:

"1st. That the better to discharge the Business of the Publick, they may, at all seasonable times, have free access to the Governor.

"2dly. That their persons may be protected from all arrests and Insults during the time of Privilege accustomed.

"3dly. That it may please the Governor to take no Notice of any Report that may be made touching any matter or thing that may be moved or debated in the House, until the same shall have passed into Resolves, nor give the least Credit to such report.

"4thly. That his own (the Speaker's) unwilling mistakes may be excused, & not imputed to the House."

These being requested by the Speaker as the rights and privileges of the Freemen of Pennsylvania, derived and confirmed to them by the Charter & Laws of the Province, the Governor was pleased to make answer that he looked upon them to be essential in a Representative Body, & the House might depend on his care in protecting them therein.

—

Friday, 18th October, 1765.

At 10 o'Clock this Morning the Clerk of the Assembly sent to the Provincial Secretary a Resolve, made Yesterday by the House, which follows in these Words, viz^{t}:

"In Assembly.

"*Pennsylvania, ss:*

"By a Resolve of this Assembly on the 17th of this instant, I am impowered and directed to order the Provincial Secretary that

he do issue a Writ to the Sheriff of the County of Philadelphia for the Election of a Member, to serve as a representative in this Assembly for the City of Philadelphia, two of the Candidates at the last election of Burgesses, viz^{t}: James Pemberton, and George Bryan, Gentlemen, being returned to this House by the Judges of said Election exactly equal in the number of Votes for them respectively given by the Freeholders and Inhabitants of the said City.

"Therefore, by virtue of the said Resolve, I do require that a Writ be issued to the Sheriff of the said County for the purpose aforesaid, Dated at Philadelphia, the 17th day of October, Anno Domini, 1765.

"JOS. FFOX, *Speaker.*

—

Saturday, 19th October, 1765, A. M.

The Secretary having communicated to the Governor the above Resolve of the House, the following Writ to the Sheriff was issued this morning by his Honour's directions, viz^{t}:

"*By the Honourable JOHN PENN, Esquire, Lieutenant Governor, & Commander-in-Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, and Sussex, on Delaware.*

"[*L. S.*] *To William Parr, Sheriff of the City and County of Philadelphia, Esquire, Greeting:*

"WHEREAS, James Pemberton and George Bryan, two of the Candidates at the last Election of Burgesses for the City of Philadelphia, were returned to me, as well as to the Assembly of the said Province, by the Judges of the said Election, exactly equal in the number of Votes for them respectively given by the Freeholders and Inhabitants of the said City; And the speaker of the said Assembly, by virtue of a Resolve of the House, on the 17th of this instant, hath therefore directed his Order to the Provincial Secretary, requiring that a Writ be issued to the Sheriff of the said County of Philadelphia for the Election of a Member to serve as a Representative in Assembly for the said City. You are therefore hereby strictly charged and commanded, within five days after the receipt of this Writ, to proceed to the Election of a Freeholder of your City and County, of most Note for Virtue, Wisdom, & Ability, to serve as a representative in Assembly for the said City of Philadelphia for the ensuing Year, giving at least two days' public notice, in Writing, of the time and place of holding such Election, according to the direction of the Laws of this Province, in

such case made and provided, and make return thereof to me, together with this Writ.

"*Given* under my hand & the Lesser Seal of the said Province, at Philadelphia, this nineteenth day of October, in the fifth Year of his Majesty's Reign, and in the Year of our Lord, one thousand seven hundred & sixty-five.

"JOHN PENN.

"By His Honour's Command,
"JOSEPH SHIPPEN, J^r, *Secretary.*"

New Castle, Monday 21st October, 1765, P. M.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c.

Richard Penn, Esq^r.

Three Members of Assembly of the Government of the Lower Counties waited on the Governor with a Message from the House, that they had met pursuant to the Laws and character of this Government, had proceeded to chuse their Speaker, and desired to know when and where they might present him for his Honour's approbation. The Governor acquainted them that he should be ready to receive the House to-Morrow Morning at ten o'Clock.

Tuesday 10 o'Clock, A. M.

The House attended the Governor at his Lodgings, and presented Jacob Kollock, Esq^r, as their Speaker, who being approved by His Honour, claimed the usual rights & priveleges of the House, which were allowed, & then they withdrew.

New Castle, Saturday, 26th October, 1765, P. M.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

Richard Penn, Esquire.

Three Members waited on the Governor with a verbal Message from the House, that they inclined to adjourn to the 26th of May next, if his Honour had no objection thereto, and begged to known when it would be agreeable that the House should wait upon him to pay their Compliments; To which the Governor answered

that he was well satisfied with their proposed adjournment, & should be ready to receive the House immediately. The House attending at the Governor's Lodgings, the Speaker addressed himself to the Governor & acquainted him, that as the Circumstances of the present times might make it necessary for the House to meet again in the Spring, they had concluded to adjourn till the 26th of May, to which time they should postpone the matters now before them; and as they should then immediately proceed on their Business, they did not desire the Governor would give himself the trouble of attending at New Castle on that day, but at any other time afterwards, when it might be more convenient to him to come, in order to finish the public Business. He at the same time thanked the Governor in the name of the House, for his ready & punctual attendance on the Business of this Government, and presented him with Orders on the Trustees of the Loan Office for £200, for which His Honour returned the House thanks, & said he should at all times think it his Duty regularly to attend the publick Business of the Government.

At a Council held at Philadelphia, on Friday 10th January, 1766.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Richard Peters, Benjamin Chew, Lynford Lardner, Richard Penn, } Esquires.

The Governor laid before the Board a Letter from His Excellency, General Murray, Governor of Quebec, inclosing an Exemplified Report of the loss sustained at Montreal, by a Fire, in May last, amounting to £87,580 8, 10½, Sterling, & applying to this Government for some relief to the unhappy Sufferers. The said Letter was read and follows in these words, viz^{t}:

A Letter to the Governor from his Excellency General Murray.

"QUEBEC, 29th June, 1765.

"Sir:

"I make no doubt that your Excellency must have heard, some time since, of the Melancholy accident that happen'd by Fire on the 18th day of May last, to the poor people of Montreal, in this Government. On the news reaching this place, the Governor and Council assembled to consider what was most proper to be done for the immediate relief of the unhappy Sufferers; & thereupon it was resolved that two Members of the Council should go to Montreal, as Commissioners to enquire into the Event of this dreadful Calamity,

and to apply thereto such assistance as to them should seem fitting, and also to procure every necessary Information, in order to make a true Report of the real loss sustained by the Inhabitants; Which the head of every Family has attested upon Oath, amounting in the whole to £116,773, 18, 6, Current Money of this Province, or £87,580 8, 10½, Sterling, Copy whereof accompanies this under the Broad Seal of the Province & My Signature thereto.

"It would be needless, Sir, to say any thing upon this Occasion to induce your Excellency and your Council to exert your Influences and good Offices in so laudable a Work, as that of the prevailing with the affluent in your province, to contribute their mite to the relief of the Miserable Sufferers, who having lost almost all they were worth before, by the ravages of War and the non-payment of their paper Money, there remained nothing to compleat their wretchedness but this unhappy accident. I cannot omit on this Occasion applauding in the Strongest manner the behaviour of his Majesty's new Subjects in this Province; a seasonable relief at this time must rivet their Affections to the British Government, & silence those among them who would insinuate that the Professors of our Religion do not possess the Christian Virtue to an Eminent Degree.

"I have the honour to be, with great truth & Regard, Sir,

"Your most obedient and most Faithful humble Servant,

"JA. MURRAY.

"To His Excellency, the Governor of the Province of Pennsylvania."

—

The Council taking the matter of the foregoing Letter into Consideration, advis'd the Governor to recommend the same to the Assembly by a Message, which was drawn at the Table, and follows in these words, viz^{t}:

A Message from the Governor to the Assembly.

"Gentlemen:

"I sometime ago received a Letter from his Excellency General Murray, Governor of Quebeck, informing me of the melancholy accident that happen'd by Fire on the 18th of May last, to the poor people of Montreal, with an Estimate of their whole Loss, amounting to £87,580 8, 10½ Sterling, both which the Secretary will lay before. The case of the unhappy persons who have suffer'd so greatly by this misfortune, is truly affecting. I do, therefore, most heartily recommend them to you as proper Objects of your Benevolence & Charity, and have not the least reason to doubt but you will Contribute to the utmost of your Abilities towards their relief.

"JOHN PENN.

"January 10th, 1766."

A Bill entituled "An act to repeal the Act entitled 'An Act to enable the Inhabitants of the Borough of Lancaster, in the County of Lancaster, to raise Money on themselves for supporting a nightly Watch in the said Borough, and for other purposes therein mentioned,'" being sent up for the Governor's Concurrence, was read and ordered to be returned to the House of Assembly with a message by the Secretary, that his Honour agreed to it.

The Governor issued a special Commission appointing Alexander Stedman, Edward Shippen, & Isaac Saunders, Esquires, Justices of the Court of Oyer & Terminer and General Gaol delivery, for the County of Lancaster.

The Governor having sometime since received a Letter from his Excellency Major General Gage, dated the 13th last month, inclosing Sundry Letters and other papers, relative to the conduct of the Rioters in Cumberland County, laid the same before the Council, which was read, & the Letter from the General was ordered to be entered, and is as follows, viz^{t}:

A Letter to the Governor from General Gage.

"New York, 13th Decem^{r} 1765.

"Sir:

"Some papers, relative to the former riots committed on the Frontiers of Pennsylvania, were put into my hands sometime ago, tho' the little prospect there appear'd to be of bringing the Offenders to Justice, made me not trouble you with them at that time; But the extraordinary Outrages and lawless proceedings committed again lately by the people near Fort Loudon, obliges me not only to trouble you with the above papers, to set the former affair in its true Light, but also to transmit you the accounts which I have receiv'd of the late infamous transactions of one of the same Soundrels, called Smith, and his rebel Clan, who was before complained of. If any shadow of Law or Justice remains in Pennsylvania, I am confident that you will leave no method untried to bring these lawless Villains to condign punishment. I have not heard that any man has been killed, & it may, therefore, be better that the Officer prevented his men from Firing, but if he had returned the Fire of those Ruffians and killed as many as he was able, I conceive he would have acted consistent with the laws of his own & of every other civilized Country.

"I have the honour to be, with great Regard, Sir,

"Your most Obed't. h'ble Servant,

"THO^{s} GAGE.

"Hon'ble Lieut^{t} Gov^{r} Penn."

The sundry Letters and Papers having been taken into due Consideration, the Board were of opinion that William Smith, Esq^{r} one of the Justices of the Peace for the County of Cumberland, has, in

the course of the Transactions of the Rioters there, been very negligent in his duty in not using his best endeavours to put a stop to their illegal Proceedings; but on the contrary, in favouring and countenancing them in a manner tending to reflect great dishonour on the Government. The Council, therefore, advised the Governor to issue a Supersedeas to remove the said William Smith from the Magistracy, and also, to desire the Chief Justice to send a Writ, directed to the Sheriff of Cumberland, for apprehending James Smith, one of the Principals & Ringleaders of the Rioters in the said County.

—

Jan^{y} 15th.

MEMORANDUM.

The Governor, agreeable to the advice of the Council on the 10th Inst^{o} issued a Supersideas for William Smith, Esq^{r}

—

Friday, 31st January, 1766.

Mr. Willing, a Member of Assembly, waited on the Governor, and informed him that the House were preparing a Bill for the regulation of Pilots plying in the River Delaware, in which it would be necessary to appoint seven Persons to officiate as Wardens of the Port of Philadelphia, & that the House had directed him to confer with the Governor about the Proper Men to fill the said Offices. Whereupon, the Governor agreed that Able James, Robert Morris, John Nixon, Peter Reeve, Oswald Eve, Michael Hulings, & Thomas Penrose, should be the Persons inserted in the Bill for that purpose.

At a Council held at Philadelphia, on Monday the 3d February, 1766.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Benjamin Shoemaker, Benjamin Chew, } Esq^{rs}
Richard Penn, }

The Governor laid before the Board five Bills, which the Assembly had sent up for his honour's concurrence, entituled as follow, viz^{t}:

"An act for the better employment, relief, & support of the Poor within the City of Philadelphia, the district of Southwark, the Townships of Moyamensink & Passyunk, & the Northern Liberties."

"An act to prolong the time limited for drawing the Lottery instituted and directed to be drawn in and by Virtue of an act entituled 'an Act for raising by way of Lottery, the Sum of £3,003 15, to be applied to the Payment of the Arrears of debt due for the finishing of St. Peter's and St. Paul's episcopal Churches, in the City of Philadelphia, and for appointing a manager in the room of Henry Harrison, Esquire, deceas$^{d.}$'"

"A Supplement to the Act entituled 'an Act for regulating and continuing the Nightly Watch, and enlightening the Streets, Lanes and Alleys of the City of Philadelphia, &ca.'"

"An Act to prevent cutting or damaging the ropes used by the Ferrymen on Shuylkill or elsewhere within this Province."

"An Act to prevent the destruction of small Fish, and the taking of Oysters, and the bringing them into this Province out of Season."

Which Bills were severally read and considered, & some Amendments being made to the first, the Secretary was directed to return it to y^{e} House with the same, & also the other four, with a verbal Message that his Honour agreed to them.

—

Wednesday 5th February, 1766, P. M.

The Assembly having last Week sent up to the Governor for his concurrence two Bills entituled

"An Act directing the choice of Inspectors, & for holding the General Elections in this Province;" and

"An Act for appointing Wardens for the Port of Philadelphia, & for regulating the Pilots plying in the river Delaware, and the price of Pilotage to & from the said port;" They were this day duly considered, and some amendments being made to them, his Honour directed the Secretary to return them to the House with the same.

—

Thursday the 6th February.

Two Members of Assembly waited on the Governor, & presented to him for his Concurrence, two Bills entituled as follow, viz$^{t.}$:

"A Supplement to the Act entituled, 'a supplement to the Act entituled An Act for regulating, pitching, paving & cleansing the Highways, Streets, Lanes and Alleys, of the City of Philadelphia, &ca.'"

"An Act for the relief of the Poor."

At a Council held at Philadelphia, on Friday the 7th February, 1766.

PRESENT:

The Honorable JOHN PENN, Esquire, Lieutenant Governor, &ea.

Lynford Lardner, Benjamin Chew, } Esq^rs.
Richard Penn, }

Two Members of Assembly waited on the Governor, and acquainted him that the House had agreed to the amendments to the Bill for appointing Wardens for the Port of Philadelphia, &ea., and were inclined to make an Adjournment to-morrow, if the Business under Consideration could be finished by that time.

The Governor laid before the Board 3 Bills sent up by the House for his Concurrence, entituled

"An Act for the relief of the Poor."

"A Supplement to the Act entituled 'A Supplement to the Act entituled 'An Act for erecting a Light House at the Mouth of the Bay of Delaware, or at or near Cape Henlopen, for placing and fixing Buoys in the said Bay and River Delaware.'"

"A Supplement to the Act entituled 'A Supplement to the Act entituled An Act for regulating, pitching, paving and cleansing the Highways, Streets, Lanes, & Alleys, in the City of Philadelphia, &ea.;'" which being read and considered, were ordered to be returned to the House with several Amendments made to the first, & a Message that his Honour agreed to the two last mentioned.

—

Saturday, 8th February, 1766. Two Members of Assembly again presented to the Governor the Bill for the relief of the Poor, with an answer to the Governor's amendments, wherein the House agreed to several of the small ones, and adher'd to the Bill with respect to the most material, and requested his Honour's Concurrence therein. They at the same time acquainted his Honour that the House inclined to adjourn in the afternoon, & desired he would be pleased to appoint a time for passing the several Bills which were agreed to. The Governor answered them that he should be ready for that purpose in the Council Chamber, at 5 O'clock this afternoon, and appointed Richard Penn, Esq^r and the Secretary, to join with the Members of the House to collate the Bills in the mean time.

—

Eodem die, P. M.

The Governor, by the secretary, returned the Bill for the relief of the Poor, with a verbal Message to the House that he adhered to his Amendments.

Council Chamber, 5 o'Clock, P. M.

The several engrossed Bills being compared and found to agree with the Originals, The Governor sent the Secretary with a verbal Message to the House, acquainting them that he was in the Council Chamber, and required their attendance, that he might pass the Bills which he had been agreed on. The whole House attending accordingly, the Speaker presented to the Governor ten Bills, entitled as follow, viz^{t}:

"An Act to repeal An Act entituled 'An Act to enable the Inhabitants of the Borough of Lancaster in the County of Lancaster, to raise Money on themselves for Supporting a Nightly Watch in the said Burough, and for other purposes therein mentioned.'"

"An Act to prolong the time limited for drawing the Lottery instituted and directed to be drawn in and by virtue of An Act entituled 'An Act for raising, by way of Lottery, the sum of £3,003 15,'" &c^{a}.

"An Act directing the choice of Inspectors, and for holding the General Elections in this Province."

"An Act for the better employment, relief, and support of the Poor within the City of Philadelphia, the district of Southwark, the Townships of Moyamensink and Passyunk, & the Northern Liberties."

"A Supplement to the Act entituled 'An Act to continue an Act entituled An Act for regulating and continuing the Nightly Watch, and enlightening the Streets, Lanes, & Alleys of the City of Philadelphia,'" &c^{a}.

"An Act to prevent cutting or damaging the ropes used by the Ferrymen on Schuylkill or elsewhere within this Province."

"An Act to prevent the destruction of small Rock Fish, and the taking Oysters, & bringing them into this Province out of Season."

"An Act for appointing Wardens for the Port of Philadelphia, and for the regulating Pilots plying in the River & Bay of Delaware, & the price of Pilotage to and from the said Port."

"A Supplement to the Act entituled 'A Supplement to the Act entituled An Act for regulating, pitching, paving, and cleansing the Highways, Streets, Lanes, and Alleys of the City of Philadelphia, &c^{a}.'"

"A Supplement to the Act entituled 'A Supplement to the Act entituled An Act for erecting a Light House at the Mouth of the Bay of Delaware, at or near Cape Henlopen, &c^{a}.'"

Which Bills the Governor was pleased to enact into Laws, & signed a Warrant for affixing the Great Seal thereto, and they were ordered afterwards to be deposited in the Rolls Office.

The Speaker then acquainted the Governor that the House had agreed to adjourn to Monday the 5th day of May next, & at the same time presented to his Honour a Certificate for £ 500; for which he returned thanks to the House.

10th February, 1766.

MEMORANDUM.

This day the Governor wrote the following Letter to Major General Gage in answer to that from his Excellency, dated the 13 December last.

A Letter from the Governor to Major General Gage.

"PHILADELPHIA, February 10, 1766.

"Sir:

"Sometime ago I was honour'd with your Letter of the 13th Decem^r inclosing Copies of sundry Letters and other papers relative to the Conduct of the Rioters in Cumberland County. I was much surprized to hear of any new Disturbances between his Majesty's Troops and those lawless ungovernable people, and cannot but feel the greatest concern to find, by the accounts you have given me, that they have again presumed to commit further outrages, and insult the King's Garrison. Whatever is in my power to be done on this occasion, in a due Course of Law, to bring the offenders to Justice, you may be assured shall not be neglected; and I am in great hopes my endeavours herein will be attended with better success than in the former Case. I sometime since issued a Supersedeas for William Smith, the Justice who has been suspected, and appears now to have countenanced the designs and proceedings of the Rioters. The Chief Justice has also issued a Writ for apprehending James Smith, their head & Ringleader, which has been transmitted to the Sheriff of Cumberland, to be duly executed. I have not yet heard of his success, but would fain hope that Villain may be taken, and we shall be able, by his means, to discover and take some of the other principals.

"I have the Honour to be, with great regard, Sir,
"Your most Obedient Humble Servant,
"JOHN PENN.

"To his Excellency Major Gen^l GAGE."

At a Council held at Philadelphia, on Wednesday the 19th February, 1766.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Lynford Lardner,
Benjamin Chew,
Richard Penn,
} Esq^rs.

The Governor laid before the Board a Letter he lately received by the packet from the Right Honourable Henry Seymour Conway,

Esq^r, one of his Majesty's principal Secretaries of State, dated the 24th October last, expressing the King's concern at the late Commotions in some of the American Colonies, which happen'd on account of a late Act of Parliament for collecting Stamp Duties, and setting forth his Majesty's pleasure respecting the Conduct to be observed by this Government in case any such disturbances should take place in Pennsylvania, which Letter being read, was ordered to be enter'd, & follows in these words, viz^t:

A Letter from the R't. Hon'ble. H. S. Conway, Esq'r., to the Governor.

"St. James', October 24th, 1765.

"Sir:

"It is with the greatest Concern that his Majesty learns the disturbances which have arisen in some of the North American Colonies. If this Evil should spread to the Government of Pensilvanyia, where you preside, the utmost exertion of your prudence will be necessary so as justly to temper your Conduct between that Caution & Coolness, which the delicacy of such a Situation may demand on one hand, and the vigour necessary to suppress outrage and violence on the other. It is impossible at this distance to assist you by any particular or positive Instruction, because you will find yourself necessarily obliged to take your resolution as particular Circumstances & Exigencies may require.

"His Majesty, & the Servants he honors with his Confidence, cannot but lament the ill-advis'd Intemperance shown already in some of the provinces, by taking up a Conduct which can in no way contribute to the removal of any real Grievance they might labour under, but may tend to obstruct & impede the Exertion of his Majesty's benevolent attention to the Ease & Comfort, as well as Welfare of all his people.

"It is hoped and expected that this want of Confidence in the justice and tenderness of the Mother Country, & this open resistance to its authority, can only have found place among the lower & more ignorant of the People. The better & wiser part of the Colonies will know that Decency and Submission may prevail, not only to redress Grievances, but to obtain Grace & Favour, while the outrage of a public violence can expect nothing but severity & chastisement.

"These sentiments you and all his Majesty's Servants, from a sense of your Duty to, and love of your Country, will endeavour to excite and encourage; You will, all in a particular manner, call upon them not to render their Case desperate; you will in the strongest Colours represent to them the dreadful Consequences that must inevitably attend the forcible and violent resistance to Acts of the British Parliament, and the scene of Misery and Calamity to themselves, and of Mutual Weakness & Distraction to both Counties inseparable from such a conduct.

"If by lenient and persuasive Methods you can contribute to restore that Peace, and Tranquility to the Provinces on which their Welfare and Happiness depend, you will do a most acceptable and essential Service to your Country; But having taken every step which the utmost Prudence and lenity can dictate, in Compassion to the folly & Ignorance of some misguided People, You will not, on the other hand, fail to use your utmost power for the repelling all Acts of outrage & Violence, and to provide for the Maintenance of Peace and good Order in the Province, by such a timely Exertion of Force as the Occasion may require, for which purpose you will make the proper Applications to General Gage, or Lord Colvill, Commanders of his Majesty's Land and naval Forces in America. For, however unwillingly his Majesty may consent to the Exertion of such powers as may endanger the safety of a single Subject, yet can he not permit his own Dignity and the Authority of the British Legislature to be Trampled on by Force and Violence, and in avow'd Contempt of all Order, Duty and Decorum.

"If the Subject is aggrieved, he knows in what manner legally and constitutionally to apply for relief; but it is not suitable, either to the safety or Dignity of the British Empire, that any Individuals, under the Pretence of redressing Grievances, should presume to violate the public Peace.

"I am, with great Truth and Regard, Sir,
"Your most obedient humble Servant,
"H. S. CONWAY.

"Deputy Governor PENN."

The above Letter having been taken into due Consideration, and an answer thereto prepared, in order to be transmitted by the next pacquet, the same was approved by the Board, and is as follows:

A Letter to the Right Honble H. S. Conway, Esquire, from the Governor.

"PHILADELPHIA, 19th February, 1766.

"Sir:

"I had the honour of your Letter of the 24th October last, respecting the Disturbances which have lately been committed in several of the North American Colonies. Give me leave to assure you, Sir, that no one of his Majesty's Servants is more sensible than I am of the Rashness and Folly of those who have been concerned in these Outrages, which at the same time that they violate the Public Tranquility and set Government at nought, are undutiful and affrontive to the best of Kings, and productive of the most dangerous Consequences. I am sorry to be under the necessity of informing you that the dissatisfaction with some of the late Acts of the British Legislature (particularly the Stamp Act) is almost universal in all the Colonies on the Continent, and prevails among all Ranks and Orders of Men; but I should do great injustice to Numbers of his Majesty's faithful Subjects, if I did

not represent to you at the same time, that the wiser and more considerate among them highly disapprove of and detest the violent and illegal measures which have been pursued in many of the Colonies.

"In the Province of Pennsylvania, where I have the honor to preside, matters have been conducted with more moderation & respect to his Majesty and Parliament than in most others, and the giddy Multitude have hitherto been restrained from committing any Acts of open Violence.

"Upon the arrival of the first Cargo of Stamp'd Papers into this Province, in the Month of October last, John Hughes, of this City, who was reported and indeed generally known to be the person appointed to distribute them, refused to take charge of them, tho' they were consigned to him, under pretence that he had not received his Commission or had any Authority to take them into his possession; and there being no Fort or place of Security where I could lodge them on Shore, I thought it most advisable to order them on board his Majesty's Sloop of War the Sardoine, Capt^n. James Hawker, Commander, stationed in the River Delaware, to whose care (on Hughes' afterwards resigning his Office of Stamp Distributer), I have also committed all the papers which have since been sent by the Commissioners for the use of this Province, till his Majesty's further Orders can be received, or another Person shall be appointed to the Office of distributor by the Commissioners, agreeable to the directions of the Act. The Americans have the most Sanguine hopes that the remonstrances drawn up by the Committees of the several Assembleys at the Congress held for that Purpose at New York last Fall, and transmitted by them to the Parliament, will produce a Repeal of the Stamp Act; but if they should be disappointed in their Expectations, it is impossible to say to what length their irritated and turbulent Spirits may carry them. Of this, however, Sir, you may rest assured, that I shall esteem it my indispensible duty on this and every other Occasion, to use every means in my power to preserve the Public peace, and support to the utmost the honour and Dignity of his Majesty's Government committed to my care.

"I have the honour to be, with great Truth & Regard,

"Sir, Y^r. most Obed^t. 'hble Servant,

"JOHN PENN."

The following Letter from Gen^l. Gage, received this Morning, was read, and ordered to be entered on the minutes of Council:

A Letter to the Governor from his Excell'cy Major Gen'l Gage.

"New York, February 17th, 1766.

"Sir:

"I have been honoured with your Letter of the 10th Instant, and am greatly obliged to you for the pains you have taken to bring

the Offenders concerned in the Riots at Fort Loudon to Justice, which will be the best means to prevent such Lawless proceedings for the future. And I shall take care that the Highland Regiment is informed of your Intentions in this respect, as I must confess to you I think it necessary to take some Precautions to prevent Misschief in case that Regiment should pass the Frontiers of Pennsylvania.

"It has been confidently reported here, and believed, that the People called Quakers have been very instrumental in preserving the Peace and Tranquility of the City of Philadelphia. I have had no Conversation with any People of that persuasion on the Subject, or do I know that Sir Henry Moor has. I understand such reports were propagated by Merchants of this Place who had been at Philadelphia, as well as by Letters from thence. However it has happened, I rejoice with you that you have lived in Ease & Quiet, whilst this place is eternally alarmed by a sett of Banditti, who will probably at length bring much misschief on themselves and their City.

"I have the honor to be, with great Respect, Sir,

"Your most Obedient humble Servant,

"THOS. GAGE.

"Hon^ble. Lieut^t Gov^r. PENN."

3rd March, 1766.

MEMORANDUM.

Yesterday Morning the Speaker of the Assembly delivered to the Provincial Secretary a written Order to issue a Writ for the Election of a new Member of Assembly for Chester County, which follows in these words, viz^t:

"In Assembly, February 8th, 1766.

"*Pennsylva. ss*:

"By a Resolve of the Assembly of this Day, I am empowered and directed to order the Provincial Secretary that he do issue a Writ to the Sheriff of the County of Chester, for the Election of a Member to serve as a Representative in this Assembly for the said County of Chester, in the room of John Fairlamb, Esq^r. lately deceased.

"Therefore, by virtue of the said Resolve, and in pursuance of an Act of Assembly of this Province, in that Case made and provided, I do require that a Writ be issued to the Sheriff of the said County, for the purpose aforesaid, according to the Direction of the said Law.

"JOS. FOX, *Speaker*.

"To JOSEPH SHIPPEN, Esq^r. Provin^l Secretary."

Tuesday, 4th March, 1766.

The Secretary Communicated to the Governor the above Order of the Speaker, and a Writ was accordingly issued this day to Philip Ford, Esquire, the Sheriff of Chester County.

At a Council held at Philadelphia, the 6th day of March, 1766.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutent. Governor, &c.

Richard Peters, Benjamin Chew, Richard Penn, } Esqrs.

Mr. Samuel Wharton waited on the Governor, in Council, and delivered him an Extract of a Letter from Robert Callender to Messrs. Baynton, Wharton, and Morgan, which was read, & follows in these words, viz.:

"PENNSBOROUGH, March 2d, 1766.

"Gentlemen:

"Since my return home, I have been informed by sundry persons, that the rascally part of the Inhabitants of Conegocheage are determined, and now laying a plan, to do you some piece of injury, by either stopping or destroying some part of your last Cargo that yet remains with the Carriers in that Neighborhood, on account of Justice Smith's discharge from the Magistracy, for which they entirely blame your House, thinking that it is you alone have excited the Governor to do it. As you have already experienced so much of their Villainy, they are not to be trusted farther than seen, and therefore I have advised Irwin to go immediately up to that Neighborhood, and stop the proceedings of the Carriers till there is some methods fixed upon for the safe Conveyance of these Goods, now in their Charge, least the Devil should tempt them to commit some Outrage of that kind, which I have great reason to believe they will.

Signed "ROBERT CALLENDER.

"To Messrs. Baynton, Wharton, & Morgan."

"Mr. Wharton, at the same time, requested the Governor would be pleased to take such measures as he should judge best for Preventing the intended injury to their Goods, as mentioned in that Extract, and observing that they were to be sent to the Illinois Country, to supply the Indians there, agreeable to the promises lately made them by Mr. Croghan, the Deputy Agent for Indian Affairs, that a Trade should be soon opened with them; and that unless some precautions were taken by the Government for the Protection

of those Goods, he was verry apprehensive they would be destroyed. The Council taking this matter into Consideration, advised the Governor to write a Letter to the Magistrates of Cumberland County, giving them the strictest Injunctions to use their utmost Endeavours to Suppress any disturbances or disorders that may happen, and to call upon the Sheriffs and Power of the County, to oppose the designs of any People who should attempt to stop or destroy the Goods above mentioned, and also, to write to Major General Gage, requesting his instructions to the King's Troops in this Province to aid and support the civil power whenever the Governor should think it necessary to call on them for that purpose. The following Letters were accordingly drawn up at the Table, and sent to Mr. Wharton, to be forwarded by Expresses:

A Letter to Gen'l Gage from the Governor.

"PHILADELPHIA, March 6th, 1766.

"SR:

Mr. Wharton has just furnished me with an Extract of a Letter he received last Night from Robert Callender, informing him that he suspects some of the Frontier Inhabitants are again engaging in a scheme to intercept and destroy a Quantity of Goods which Mr. Wharton & his House are sending up to Fort Pitt, under the protection of my Licence, in their way to the Illinois Country, to trade with the Indians. I hope these suspicions have no real foundation, but must Confess that the former Conduct of those abandoned people, who seem void of all Sense of duty or Submission to Law or Government, has been such as to give room to believe them capable of any Villainy. I shall, therefore, dispatch an Express to the justices of Cumberland County, with the most Positive Injunctions to exert the Civil Power in the Suppression of any Riots, or attempts of the People to injure or destroy the above Goods. But lest the force of the civil Government should not be suffic[t] to answer the purpose, I must beg the favour of your Aid, and that you will be pleased to furnish me as soon as Possible, with your Instructions to the Commanding Officers of the King's Troops at Lancaster, & the different Posts on the Communication to Fort Pitt, to obey such orders as I may, from time time, be under the necessity of giving them for preserving the Public peace, and supporting the Laws, as well as the Dignity of his Majesty's Government, committed to my Care.

"I have the honor to be, with great Regard, Sir,

"Your most Obedient humble Servant,

"JOHN PENN.

"To His Excellency Gen[l] GAGE."

A Letter from the Governor to the Justices of Cumberland County.

"PHILADELPHIA, 6th March, 1766.

"Gentlemen:

"I have received Information that a number of the Inhabitants of Conecocheague are suspected to have formed a scheme to intercept and destroy a Quantity of Goods which Messrs. Bayton, Wharton, & Co. are now sending up to Fort Pitt, in their way to the Illinois Country. The former Conduct of many lawless and unruly People on the Frontiers, in committing several outrages of the like kind, gives me too much reason to fear that the suspicions on the present occasion are well founded. I shall be very much surprized if any of the People should presume to counteract my authority so far as to attempt to stop the progress of any Goods that are carrying into the Indian Country with my full and express Licence. But lest any thing of this sort should be undertaken, I hereby judge it proper to give you my most positive Commands to exert the utmost Diligence and Activity in suppressing any Riots or attempts of the people to injure or destroy any of the above mentioned Goods, (or commiting any other Outrages), and if you shall hear that any of the people are assembling for such unlawful purposes, you are immediately to call to your Assistance the Sheriff and power of the County to prevent the Execution of their designs; but in case the fullest Exertion of your Authority and Influence should not be sufficient, I require you forthwith to give me information thereof, that I may Order some of the King's Troops to the Aid of the Civil power, in compelling the people to submit to the Legal Authority of the Government, & pay due Obedience to the Laws. I should be very sorry to be reduced to the necessity of such expedients if it could be avoided. But the duty of my Station will oblige me to make use of all the means in my power in bringing to reason & Justice all such obstinate offenders who wickedly & wantonly oppose the Government, & trample on its Laws.

"I am, with great regard, Gentlemen,

"Your most Obedient humble Servant,

"JOHN PENN.

"To John Armstrong, Esqr. and others, his Majesty's Justices of the Peace, for the County of Cumberland."

The Governor acquainted the Council that a few days since he had received Information from Captain Lemuel Barrit, of Cumberland Valley, that on the 11th day of January last, a Mohawk Indian, on his return from the Country of the Cherokees, was murder'd & Scalp'd about 12 miles from Fort Cumberland, on the road leading from thence to Fort Bedford, and proposed to issue a Proclamation offering a reward for the discovery, and apprehending the murderer that he might be brought to Condign Punishment; But Captain Barrit attending the Board, at the Governor's request, he was far-

ther examined, and his deposition taken in writing, when there appeared from sundry Circumstances, great reason to suspect the Murder had been commited by a certain Sam[l] Jacobs, who had absconded, and was supposed to have gone to the Frontiers of Virginia and Maryland; The Council, therefore, advised the Governor to delay issuing a Proclamation, till means were tried for apprehending the person suspected; and for that purpose to write to the Governors of Maryland and Virginia, enclosing them Copies of Capt[n] Barrit's Deposition, & desiring they would be pleas'd to order a strict Search to be made for the said Samuel Jacobs, through their respective provinces, & also to write to Sir William Johnson, acquainting him with the matter.

The following Letters were accordingly wrote to Gov[rs] Sharpe, Fauquiere and Sir William Johnson:

A Circular Letter from the Gov'r. to Gov'r. Sharp and Fauquiere.

"PHILADELPHIA, 11th March, 1766.

"S[r]:

"I lately received information that one of the six Nations Indians, returning from the Cherokee Country, was Murdered on the 11th of January last, on the road between Fort Cumberland and Fort Bedford, within this Province. I intended to have issued a proclamation offering a reward for discovering & apprehending the Murderer, but finding by the examination of Captain Lemuel Barrit, who lives near the place where the Indian was found, that there is great reason to believe the Murder was committed by one Samuel Jacobs, who is said to have fled into the back parts of Virginia or Maryland, I think it most advisable to defer my proclamation till I have first tried every other means in my power to secure the Offender. I take the liberty of inclosing you Capt[n] Barrit's deposition & description of Jacobs' person, at the same time requesting you will cause strict search to be made for him throughout your Province, as you must be sensible of the ill Consequences that will ensue if all necessary steps are not pursued in order to bring to Justice this lawless Villain, as well to convince the Indians of our good Intentions towards them as to deter others from the same Conduct, which, if we cannot fall upon some means of putting a stop to, we may reasonably expect to be again involved in the Miseries of an other Indian War.

"I shall make Sir William Johnson acquainted with this unhappy affair, and the measures taken to give our Friends, the Six Nations, all the satisfaction in our power, that he may represent the matter in a proper light to them, so as to prevent any ill

Consequences that might otherwise happen from their resentment.

"I have the honour to be, with great Regard,

"Sir, your most Obedient humble Servant,

"JOHN PENN.

"To His Excell^cy HORATIO SHARPE, Esq., Governor of Maryland, and The Hon'ble. FRANCIS FAUQUIERE, Esq^r, Governor of Virginia:

—

A Letter from the Governor to Sir William Johnson.

"PHILADELPHIA, 11th of March, 1766.

"Sir:

"It was with a very great Concern that a few days ago I received certain Information by Capt^n Samuel Barrit, that on the 11th of January last, a Mohawk Indian, in his return from the Cherokee Country, was Murdered on the Road between Fort Cumberland & Fort Bedford, in this Province.

"This unhappy affair will no doubt give great Offence to the Indians of the Six Nations, and may be attended with very bad consequences. But I shall think it my indispensable duty, from motives of Justice as well as good Policy, to give them all the Satisfaction in my power for this Injury, and I beg you will be pleased to take the first Opportunity to acquaint them that I heartily condole with them on this occasion, and that all means shall be used for apprehending the Murderer and bringing him to Condign Punishment. I intended to have issued a Proclamation, offering a Reward for that purpose; but as there appears by Capt^n Barrit's deposition, a Copy of which you have enclosed, very great reason to think the Murder was commited by one Samuel Jacobs, who is supposed to have fled to the back parts of Maryland and Virginia, I shall suspend the Proclamation till better means have been tried to apprehend him, for which purpose I have written to the Governors of Maryland and Virginia, to request they would cause a strict search to be made for him throughout their respective Provinces.

"If we should be so fortunate as to secure this Lawless Villain, I will immediately acquaint you therewith, that you may have it in your power to satisfy the Indians of our good disposition towards them, and our desire and readiness to do them the strictest Justice upon all Occasions.

"I am, with great Regard, Sir,

"Your most Obedient humble Servant,

"JOHN PENN.

"Sir WILLIAM JOHNSON."

March 13th, 1766.

MEMORANDUM.

This Morning the Governor received a Letter from his Excellency Major General Gage, dated the 10th Instant, inclosing his Orders to the Military Officers within this Government, to give assistance to the civil power, both which were ordered to be entered on the Council Books, & are as follow, viz^{t}:

A Letter to the Governor from his Excellency Major General Gage.

"New York, March 10th, 1766.

"Sir:

"I have been favor'd with yours of the 6th Instant, and am sorry to find that the lawless Banditti on your Frontiers continue giving you fresh troubles. The Robberies and disturbance they have been guilty of with Impunity, emboldens them to every Act of Violence, whilst they flatter themselves that they are secure from Punishment. I enclose you an Order to all the Forces in your Government to give Assistance to the Civil power, which you will make use of, as the Circumstances of affairs may require. The Officer commanding at Lancaster has already received the Order, so that a Letter from you to him will be sufficient.

"I am, with great Regard, Sir,

"Your most Obedient humble Servant,

"THO^{s}. GAGE.

"Hon^{ble}. Lieut^{t}. Gov^{r}. Penn."

—

"Head Quarters, New York, 15th January, 1766.

"ORDERS.

"His Majesty's Pleasure having been signified to the Commander-in-Chief, that in Case by the Exigency of affairs in any of the Provinces in America, it should be necessary to procure the aid of Military in support of the Civil Power, and that for that purpose the Governor of the Province where that may happen, should apply to the Commanders of his Majesty's Land Forces in America, The said Commanding Officers should, upon such requisition made by the Governor of the Province to them, give the said Governor their Concurrence and Assistance for the purpose above mentioned, The Commander-in-Chief Orders the several Officers Commanding the Regiments, Posts and Detachments, under his Command, to pay a punctual Obedience thereto.

"RICHARD MAITLAND.

"Dep^{y} Adj^{t} Gen^{r}

"To the Officers Commanding the several posts & Detachments on the Communication from Philadelphia to Fort Pitt."

At a Council held at Philadelphia, on Saturday the 15th March, 1766.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}.

Benjamin Chew, Lynford Lardner, } Esquires.
Richard Penn, }

The Commission of the Peace for Northampton County being taken into Consideration, and an Alteration being thought necessary to be made therein, The Governor, by the advice of the Council, was pleased to issue a new one, appointing the Members of Council and the following Gentlemen Justices of the General Quarter Sessions of the Peace and of the County Court of Common Pleas for the said county of Northampton, Viz^{t}:

George Taylor,	John Moore,
Thomas Craig,	James Allen,
Hugh Wilson,	John Jennings,
Aaron Dupui,	Dan^{l}. Brodhead,
Lewis Klotz,	Robert Levers,
Thomas Armstrong,	Christ^{r}. Waggoner,
Lewis Gordon,	Henry Kooken,
Jacob Orndt,	Joseph Gaston.

—

Tuesday, 6th May, 1766.

Two Members of Assembly waited on the Governor and acquainted him that the House had met pursuant to Adjournment, and desired to know if his Honour had any business to lay before them, to which he answered that he had none at present to recommend to them.

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Thursday, 8th May, 1766.

Two Members of Assembly acquainted the Governor that the House inclin'd to adjourn to the 2nd day of June next, to which his Honour made no Objection.

The Governor lately received by the packet, a Letter from the Right Honourable Henry Seymore Conway, Esq^{r}. dated 1st March, 1766, which being ordered to be entered on the Minutes of Council, is as follows, viz^{t}:

A Letter from the Rt. Honourable H. S. Conway, Esqr., to the Governor:

"St. James's, 1st March, 1766.

"Sir:

"I am very sorry not to be able as yet to give you any Instruction for the Rule of your Conduct in the perplexed situation of things in the Colonies; But the Parliament, to whose Wisdom his Majesty has been pleased to refer those Affairs, not having come to any ultimate decision thereon, I may not presume to give you any Positive Direction; at the same time it is, I think, my Duty to inform you that a Bill is brought in, and has made some progress in the House of Commons, for the repeal of the Stamp Act, and that other proceedings relative to the mutual Rights of Great Britain & her Colonies, are also in Consideration before Parliament. As soon as ever any thing is ultimately determined by the Legislature, You may depend upon the speediest Information from me, and will not fail to receive therewith his Majesty's farther Instructions. In the mean time the King relies on your Discretion to take the properest Measures that the Circumstances of the Times may require, for the good of the Colony committed to your Care.

"I am, with great Truth and Regard, Sir,

"Your most Obedient, humble Servant,

"H. S. CONWAY.

"Deputy Governor of Pennsylvania."

At a Council held at Philadelphia on Tuesday, 3rd June, 1766.

PRESENT:

The Hon'ble. JOHN PENN, Esquire, Lieutenant Governor, &ca.

Benjamin Chew, Richard Penn, Esq^rs

Two Members of Assembly waited on the Governor last Night and acquainted him that the House were met pursuant to Adjournment, & requested to know if his Honour had any business to lay before them; To which he answered, that he should send a written Message to the House in the Morning.

The Governor laid before the Board a Letter he lately received from the Right Honourable Henry Seymore Conway, Esq^r one of his Majesty's principal Secretaries of State, dated the 31st of March last, acquainting him that an Act of Parliament for repealing the Act for collecting Stamp Duties, &ca., in America, had been lately passed, and enclosing him a printed Copy thereof, together with a Copy of the Resolutions of the House of Commons, directed by his Majesty to be laid before the Assembly of this Province, and also Signifying the King's Approbation of the Governor's Conduct, as

well as of the Behaviour of the people of Pennsylvania, during the late Commotions & Disturbances in several of the other Colonies.

The said Letter was read, and follows in these Words, viz^{t}:

A Letter from the Rt. Hon'ble H. S. Conway, Esqr., to the Gov'r.

"St. James's, 31st March, 1766.

"Sir:

"Herewith I have the pleasure of transmitting to You Copies of Two Acts of Parliament just Passed. The first for securing the just Dependency of the Colonies on the Mother Country; The Second for the Repeal of the Act of the last Session, granting certain Stamp Duties in America; And I expect shortly to send you a Third for the Indemnity of such Persons as have incurred the Penalties imposed by the Act just repealed; as such Bill is now depending, & has made a considerable Progress in the House of Commons.

"The Moderation, The Forbearance, the unexampled Lenity and Tenderness of Parliament towards the Colonies, which are so signally displayed in those Acts, cannot but dispose the Province committed to your Care, to that return of chearful Obedience to the Laws and Legislative Authority of Great Britain, and those Sentiments of respectful Gratitude to the Mother Country, which are the natural, and I trust, will be the certain effects of so much Grace and Condescension, so remarkably manifested on the part of his Majesty, and of the Parliament; And the future Happiness and Prosperity of the Colonies will very much depend on the Testimonies they shall now give of their Dispositions.

"For, as a dutiful and affectionate return to such peculiar proofs of Indulgence and Affection may now, at this Crisis, be a means of fixing the mutual Interests & Inclinations of Great Britain and her Colonies, on the most firm and solid Foundations; so it cannot but appear visible that the least Coldness or Unthankfulness, the least Murmuring or Dissatisfaction, on any Ground whatever, of former heat, or too much prevailing Prejudice, may fatally endanger that Union, and give the most Severe and affecting Blow to the future Interests of both Countries.

"You will think it scarce possible, I imagine, that the Paternal care of his Majesty for his Colonies, or the Lenity and Indulgence of the Parliament, should go further than I have already mentioned; Yet so full of true magnanimity are the Sentiments of both, and so free from the smallest Colour of Passion or Prejudice, that they seem dispos'd not only to forgive, but to forget those most unjustifiable marks of an undutiful disposition, too frequent in the late Transactions of the Colonies; and which, for the Honour of those Colonies, it were to be wished had been more discountenanced & discouraged by those who had knowledge to conduct themselves otherwise.

"A Revision of the late American Trade Laws is going to be the immediate Object of Parliament; Nor will the late Transactions

there, however provoking, prevent, I dare say, the full Operation of that kind and indulgent disposition, prevailing both in his Majesty and his Parliament, to give to the Trade and Interests of America every Relief which the true State of their Circumstances demands or admits.

"Your Situation, which has made you a Witness of the Distraction of that Country, will enable you to form the best Judgment of the Behaviour which your Province ought to use upon this Occasion, and of the Arguments which you ought to employ to enforce the necessity of such a Behaviour as is suitable to their present Circumstances.

"I have received your last Letters of the 10th & 19 of February last, and am glad to find that Things have remained quiet in your Government. By his Majesty's Commands, I transmit to you the Resolutions of the House of Commons, to be laid before your Assembly, whom you will at the same time assure of his Majesty's approbation of the wise and prudent as well as dutiful Behaviour which the Province of Pennsylvania has held amidst the two prevailing distractions, which have so generally agitated the other Colonies. This behaviour of your Province reflects Honour on your administration, and I have the Satisfaction to inform you, that your own Conduct meets with his Majesty's approbation.

"I am, with great Truth and Regard, Sir,

"Your most Obedient humble Servant,

"H. S. CONWAY.

"Lieu^{t} Gov^{r} of Pennsylvania."

The abovementioned Letter being taken into due Consideration, the Council advised the Governor to lay the same, together with the Papers referred to in it, before the Assembly with a Message.

The following Message was accordingly prepared, approved, & sent to the House with the said several Papers, viz^{t}:

A Message from the Governor to the Assembly.

"Gentlemen:

"Having just receiv'd from the Right Honorable Mr. Secretary Conway, the Copy of a Law lately passed for repealing an Act made last year by the British Parliament for granting certain Stamp Duties in America, I am pleased to have so early an Opportunity as your present meeting affords, of congratulating you on an Event so truly joyful, and which I hope will be productive of the most happy consequences to this and all the other Colonies.

"By the Secretary of State's Letter, which I have ordered to be laid before the House, you will likewise have the Satisfaction to find that besides the Repeal of the Stamp Act, our Gracious Sovereign and his Parliament are still extending their goodness farther, and propose to give every Relief to the Trade of America which our Situation and Circumstances require.

"Distinguished by such signal Instances of paternal Regard from His Majesty, and by such indulgence from his Parliament, I need not mention to you, Gentlemen, the Conduct you ought to pursue. I know your own Hearts will lead you, in return, to every act of Duty and Expression of Gratitude which a Loyal People can manifest on so happy an Occasion.

"I am further to acquaint you, that I took the earliest Opportunity to do that justice to the good People of this Province which their Conduct merited, by representing to the King's Ministers the Moderation and Decency with which they behaved under the Dissatisfaction & Uneasiness universally prevailing in America on account of the Stamp Act. In Answer to which I have now the Honour of His Majesty's Commands to assure You, Gentlemen, of His Royal Approbation of the wise and prudent as well as dutiful Behaviour, which the Province of Pennsylvania has held amidst the two prevailing Distractions which so generally agitated the Colonies.

"The late Resolutions of the House of Commons, mentioned in Mr. Conway's Letter, I have, agreeably to His Majesty's express Injunction, now ordered to be laid before you.

"JOHN PENN.

"June 3d, 1766."

June the 4th day, A. M.

Two Members waited on the Governor, and presented him the following Message from the Assembly, in answer to His Honour's Message of Yesterday:

A Message to the Governor from the Assembly.

"May it please your Honour:

"We have taken into our Consideration your Honour's obliging Message of this day, accompanied with Mr. Secretary Conway's Letter of the 31st of March, the copy of a Law lately passed for repealing the Stamp Act, and the late Resolutions of the House of Commons.

"We return your Honour our Hearty thanks for your Congratulations on the happy issue of this important affair; and it gives us the highest Satisfaction to observe that his Majesty entertains the most favourable Sentiments of "the prudent as well as dutiful Behaviour which the Province of Pennsylvania has held amidst the too prevailing Distractions which so generally agitated the other Colonies," and of your Conduct on this Occasion.

"We shall, with the greatest Chearfulness and Pleasure, express the warmest Sense of Gratitude and Duty to his most Gracious Ma-

jesty, and his Parliament, for their Wisdom, Justice, and Condescension, manifested to us by the Repeal of the Stamp Act, and for their further benevolent Disposition to give every Relief to the Trade of America, that our Situation and Circumstances require.

"Permit us, also, to return your Honour our Thanks for the early Opportunity you took to do that Justice to the good People of this Province which their Conduct merited, by representing to His Majesty's Ministers the Moderation & Decency with which they have behaved under the Dissatisfaction and Uneasiness universally prevailing in America on account of the Stamp Act.

"Pleased, as we are, of the present Opportunity of testifying our Joy and Felicity upon so happy an Event, give us leave to congratulate your Honour upon your Marriage, and to offer our sincerest Wishes for your future Happiness.

"Signed by Order of the House,

"JOSEPH FOX, *Speaker.*

"June 3d, 1766."

—

New Castle, Friday 6th June, 1766.

Three Members of Assembly waited on the Governor with a Message from the House, acquainting him that they had met on the 26th of last Month, pursuant to Adjournment, and had proceeded to prepare several Bills, which they should soon present to the Governor for his Concurrence, but in the meantime, requested to know if the Governor had any business to lay before them. His Honour made answer that, having lately received a Letter from His Majesty's Secretary of State, acquainting him with the Repeal of the Stamp Act, and with other important matters, he should order a Copy of the same to be immediately laid before the House for their Perusal.

The Secretary accordingly carried to the House a Copy of Mr. Conway's Letter, dated the 31st March last, and also, a Printed Copy of the Act of Parliament to repeal an Act for granting certain Stamp Duties in America.

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New Castle, Monday 9th June, 1766.

The Assembly of the Government of the Lower Counties, during their Sessions, sent up the Governor for his perusal and Concurrence Nine Bills entituled as follow, viz^{t}:

"An Act for the Embanking and Draining a parcel of Marsh on Pearman's Branch, in Kent County."

"An Act for the Embanking and Draining a parcel of Meadow Marsh and Cripple in Christiana and Mill Creeks Hundreds, in the County of Newcastle."

"An Act for keeping in good Repair the Banks and Sluices of a parcel of Marsh in S^{t} George's Hundred, in the County of Newcastle."

"An Act for draining the Marsh near Pagan Creek, in Sussex County."

"An Act for aiding the discontinuance of the Process of the Supreme Court within this Government."

"An Act for the relief of Robert Chalfant, a Prisoner in the Gaol of New Castle."

"An Act for draining and improving certain Swampy and Sunken Ground, commonly called the Green Drains, in Sussex County."

"An Additional Supplementary Act to the Act for regulating the Publick Roads in New Castle County."

"An Act for regulating the Streets & Alleys in the Town of New Castle."

The said Bills were duly read and considered by the Governor, Benjamin Chew, and Richard Penn, Esquires, Members of Council, and after making some Amendments to a few of them, to which the House acceded, they were severally agreed to.

The Governor having then acquainted a Committee of Assembly that he was ready to receive the House immediately at his Lodgings, in order to pass the Bills, They accordingly attended with the abovementioned nine Bills, which the Governor enacted into Laws, Signed a Warrant for affixing the Great Seal thereto, and directed the Secretary to accompany two Members of Assembly to see them Sealed and Deposited in the Rolls Office.

The Speaker then presented to the Governor Orders on the Trustees of the Loan Office for £ 100, for which His Honour thanked the House.

At a Council held at Philadelphia, on Thursday 19th June, 1766.

PRESENT :

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}.

Richard Peters, Benjamin Chew, } Esq^{rs}.
Lynford Lardner, Richard Penn, }

The King having lately testified, in a remarkable manner, the most Paternal Affection and condescending Goodness towards the Subjects of his American Colonies, by passing a Law for the repealing of an Act granting certain Stamp Duties in America, The Council judged it the duty of this Government to return their most

unfeigned Thanks to His Majesty, and to express their high Sense of his goodness for so signal an Instance of His Royal Favour, by a proper and dutiful Address from the Governor & Council of this Province.

The following Address was accordingly prepared, approved, & signed by the Governor and Members of Council present, and afterwards it was carried to all the absent Members, who also approved & signed the same, except W^m^ Logan, who was at Burlington.

Mr. Chew then inclosed the Address in a Letter to the Honourable Thomas Penn, Esq^r^ and transmitted it by the Packet from New York.

"TO THE KING'S MOST EXCELLENT MAJESTY.

"*The Address of the Governor and Council of the Province of Pennsylvania, and Counties of Newcastle, Kent, and Sussex, on Delaware.*

"We, your Majesty's Faithful Subjects, the Governor and Council of the Province and Counties aforesaid, with the most profound Submis-ion, beg leave to approach the Throne on an Occasion the most affecting & interesting to us and all your other American Subjects.

"Permit us, Royal Sir, with Hearts overflowing with Gratitude, humbly to acknowledge the manifold Instances of your Paternal Tenderness and Affection, extended to your Subjects in this distant part of your Empire, and, in a more especial Manner, to express our lively Sense of your Majesty's unbounded Goodness, and the disinterested Benevolence of your Parliament, in the late Repeal of the Act imposing certain Stamp Duties in your Colonies.

"We rejoice in this Opportunity of declaring that Your Majesty's Administration hath been distinguished by the strictest Regard to Justice, and an unwearied attention to the Welfare and Happiness of your People. But when we reflect on this late signal Instance of your Majesty's exalted Virtue, that you have been graciously pleased to hearken to the Cries of your Subjects, and to stretch forth your Royal Hand to their Relief, notwithstanding many of them (blinded by a misguided Zeal) have committed Acts injurious to your Government, we are impressed with the highest Reverence for your great Magnanimity & princely Condescension.

"We trust that your Majesty cannot fail to receive the warmest returns of Gratitude and Loyalty from all your Subjects. For ourselves, We humbly beseech your Majesty to accept of our unfeigned Assurances that our Hearts are firmly attached to your Sacred Person and Government, our Affection to our Mother Country

inviolable, and our Lives and Fortunes entirely devoted to Your Majesty's Service.

"BENJ. CHEW,
"THOS. CADWALADER,
"RICH'D PENN, Junr.
"JOHN PENN Lieut. Govr.
"JOSEPH TURNER.
LAWRENCE GROWDEN,
RICHARD PETERS,
LYNFORD LARDNER,
BENJAMIN SHOEMAKER,

"June 19th, 1766."

At a Council held at Philadelphia on Friday the 15th of August, 1766.

PRESENT:

The Honble. JOHN PENN, Esquire, Lieutenant Governor, &ca.

Lynford Lardner, Benjamin Chew,
Richard Penn.

Several Burglaries and a Robbery on the Highway having been lately committed in and near this City, The Board took into Consideration the necessity of putting an immediate Stop, if possible, to such Villianies, by discovering and punishing the Authors of them, and advised the Governor to issue a Proclamation, offering a Reward of Fifty Pounds for the apprehending and convicting each Offender, and promising a Pardon to any Accomplice who shall make a full discovery of all the Persons concerned in the said Burglaries and Robbery, so that they be convicted.

A Proclamation being immediately drawn up, was approved and ordered to be printed, and Copies dispersed through the City and Suburbs, and also to be inserted in the Pennsylvania Gazette and Journal. The said Proclamation follows in these words, vizt.:

"*By the Honourable JOHN PENN, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, and Sussex, on Delaware.*

"A PROCLAMATION.

"WHEREAS, Information hath been made to me, that several Burglaries have lately been committed in the City of Philadelphia, and its Suburbs, to the great Terror and Annoyance of His Majesty's good Subjects; and also, that on Tuesday Evening last, a Robbery on the Highway was committed on a Person passing between the said City and the Lower Ferry, on Schuylkill: *And Whereas*, it is of great Importance to the Public that a stop should, as soon as possible, be put to crimes of so evil & pernicious a Nature, by detecting the Authors and Perpetrators of those Villainies, so that they may be brought to condign and exemplary Punishment. I

have, therefore, thought fit, with the Advice of the Council, to issue this Proclamation, hereby offering a Reward of Fifty Pounds to any Person or Persons who shall apprehend or make known, and cause to be apprehended, all any or either of the Persons concerned as Authors, Perpetrators or Accomplices, in any of the said Burglaries or Robbery above mentioned, so that he or they shall be convicted thereof, according to the due Course of Law. And, I do promise, over and above the said Reward, to grant a Pardon to any Accomplice who shall make a full discovery of the other Persons concerned in the said Burglaries or Robbery, and cause them to be apprehended & convicted.

"And I do hereby charge and command all Magistrates, Sheriffs, and other officers whatsoever, within this Government, to use their utmost Care and Diligence in detecting, apprehending, & securing the said Offenders.

"*Given* under my hand and the Great Seal of the said Province, at Philadelphia, the fifteenth day of August, in the Year of our Lord One thousand seven hundred and Sixty-Six, & in the Sixth Year of His Majesty's Reign.

"JOHN PENN.

"By His Honour's Command.
"JOSEPH SHIPPEN, Jun^r^ Secretary."
"GOD SAVE THE KING."

—

Tuesday 9th September, 1766.

Two Members of Assembly waited on the Governor this morning, and acquainted him that the House were met pursuant to adjournment, and desired to know if he had any Business to lay before them; to which His Honour made answer, that he had some matters to recommend to them, which he should communicate by a Message to the House to-morrow morning.

At a Council held at Philadelphia, on Wednesday the 10th of September, 1766.

PRESENT.

The Hon^ble.^ JOHN PENN, Esquire, Lieutenant Governor, &c.

Richard Peters, Benjamin Chew, } Esq^rs.^
Richard Penn, }

The Governor laid before the Board, for their Consideration & advice, several Letters which he lately received from Gen^l.^ Gage, making a requisition for providing Quarters & necessaries agreeable to the late Act of Parliament for His Majesty's Troops, which should be sent into this Province.

His Honour also laid before the Board his Majesty's Instructions, dated 24th October, 1765, for removing the People settled to the Westw^d. of the Allegheny Mountains, and also another Letter from Gen^l. Gage, with Extracts of a Letter from Mr. Croghan, dated at Fort Pitt, the 26th May, 1766, and an abstract from his Journal, acquainting his Honour with the necessity of speedily driving away the Settlers on the Indian Lands at Red Stone Creek, and on the Monongahela, and offering the aid of the King's Troops for that purpose.

The said Letters and Papers were read, & follow in these words:

A Letter from General Gage to the Governor.

"New York, June 15, 1766.

"Sir:

"A Detachment of the Royal Highland Regiment which took Possession of the Illinois Country, is just arrived in this Port from Pensacola, and as they will March on the 17 Inst^t. for Philadelphia, I am to beg the favour of you to give Directions that they may be supplied with Quarters and Carriages when they shall enter the Province of Pennsylvania, according to the Act of Parliament made in that respect; and that they may be also provided with Quarters in Philadelphia, where the Detachment is to remain till further Orders. I have the honour to transmit you herewith a Return of their Numbers.

"I am, with great Regard, Sir,

"Your most Obedient h'ble Servant,

"THO^S. GAGE.

"Hon^ble. L^t. Gov^r. Penn."

"Return of a Detachment of the 42d Regiment, order'd to March to Philadelphia:

"1 Captain, 3 Subalterns, 1 Mate, 5 Serjeants, 2 Drums, & 102 Rank and File.

"THO^S. GAGE.

"New York, June 15, 1766."

—

A Letter from General Gage to the Governor.

"New York, 15th August, 1766.

"Sir:

"As His Majesty's Service may oblige me to send Troops to Philadelphia, I herewith inclose you a return of the strength of a Battalion compleat, that you may be pleas'd to order Provision to be made for Quartering & Providing them according to the Act of Par-

liament. As some Officers may be absent, and others may have double Commissions, I cannot as yet exactly ascertain the numbers that Provision should be made for; But as soon as it is in my Power, I shall give you an exact Return of them, as also timely Notice when you are to expect them. I only write now to give you previous Notice, as the Service may require that Troops should be sent to Philadelphia.

"I am, with great Regard, Sir,

"Your most Obedient humble Servant,

"THO^{s}. GAGE.

"Hon^{ble}. L^{t}. Gov^{r}. PENN."

Strength of a Battalion of Foot on the English Establishment.

OFFICERS.	Commissioned.	Colonel.	1
		Lt. Colonel.	1
		Major.	1
		Captains.	7
		Lieuts.	6
		Ensigns.	8
	Staff.	Chaplain.	1
		Adjutant.	1
		Qr. Mast.	1
		Surgeon.	1
		Mate.	1
	Non-Commissioned.	Sergeants.	18
		Drummers.	6
Rank & File.			441
Total, Officers included.			500
Total, - - -			

"His Majesty's Instruction to the Governor.

"GEORGE R.

"[L. S] *Instruction to our Trusty and well-beloved JOHN PENN, Esquire, Lieutenant Governor of our Province of Pennsylvania, in America, Given at Our Court at St James's, the 24th day of October, 1765, in the Fifth Year of our Reign.*

"WHEREAS, it hath been represented unto us, that several Persons from Pennsylvania and the back Settlements of Virginia, have migrated to the Westward of the Allegheny Mountains, and there have seated themselves on Lands contiguous to the River Ohio, in express disobedience to Our Royal Proclamation of the 7th of October, 1763; It is therefore Our will and Pleasure, and you are hereby strictly enjoined and required, to use your best Endeavours to suppress such unwarrantable proceedings, and to put a stop to these and all other the like Encroachments for the future, by causing all Persons belonging to the Province under your Government, who have there irregularly seated themselves on Lands to the Westward of the Allegheny Mountains, immediately to evacuate those Settlements, and that you do enforce, as far as you are able, a more strict Obedience to Our Commands, signified in Our said Royal Proclamation, and provide against any future Violence thereof.

"G. R."

A Letter from Gen'l Gage to the Governor.

"NEW YORK, July 2d, 1766.

"Sir:

"I take the Liberty to inclose you some Extracts from Papers and Letters which I have received from Fort Pitt, in consequence of a meeting held there with several Indian Nations who come to lay their complaints before us. The Murthers which have been too frequently committed and gone unpunished, and the people settling themselves upon the Lands belonging to the Indians, It's greatly to be feared, unless some speedy and vigorous measures are taken to prevent both, will too soon involve us again in all the misery of an Indian war. You will best know what is the most proper to be done on such Occasions. I can only offer you every assistance in my power that you may have occasion for, either to apprehend and secure the Murtherers, or to drive the Settlers off any Lands belonging to the Indians, which they may have taken possession of in your Province. If you will please to take proper and legal methods, as I presume Red Stone Creek is within your

Government, the Garrison of Fort Pitt shall assist to drive away the Settlers, and it seems right that a number of Indian Chiefs should be present to see our desire to do them Justice. If I don't mistake, the crossing of the Mountains and Settling on their Lands was the chief Occasion of the defection of the Indians dependent on Pennsylvania, particularly the Shawanese and Delawares, at the breaking out of the last French war.

"I have the honor to be, Sir,

"Your most Obedient humble Servant,

"THOS. GAGE.

"Hon^ble. J.^ Governor, Pennsylvania."

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Extracts of an Abstract from Mr. Croghan's Journal.

Dated FORT PITT, 22 May, 1766.

"Major Murray informed me that there were several Chiefs of the Shawanese, Delawares and Six Nations, & Hurons from Sandusky, with a considerable number of Warriors, who had waited a long time to see me, that they were very discontented in their Minds on account of having several of their people killed by the English, some on the Frontiers of Virginia, Pennsylvania, and the Jerseys, besides three Shawanese murdered & Plundered by two men who ran away from this Post down the River.

"The 24th.—I had a meeting with the Six Nations & Delawares and Huron Chiefs, when they made great Complaints about several of their People being Murdered on the Frontiers of the several Provinces; say they have lost five Men on the Frontiers of Virginia, one near Bedford in Pennsylvania, and one in the Jerseys. This Conduct they say of their Fathers the English, does not look as if they were disposed to live in Peace with their Children, the Indians; Besides that, as soon as the peace was made last Year, contrary to our Engagements to them, a number of our people came over the Great Mountain and settled at Redstone Creek & upon the Monongahela, before they had given the Country to the King, their Father. And that after the unnatural War that has been carried on between them and their Fathers, the English, for some years past, and the loss of their people on the Frontiers this Spring, they have great reason to dread the consequences that may attend our Inhabitants and their young Warriors mixing so soon together in that part of the Country, For tho' all their different Tribes are heartily disposed to perform all their Engagements and promote the good work of Peace, Yet if their Fathers continue to Murder their People whenever they caught them in their Settlements, and break their Engagements to them, they can't be accountable for the future Conduct of their Warriors, who are governed only by the persuasion of their Chiefs."

Extract of a Letter from Mr. Croghan to his Excell'cy. Gen'l Gage.

Dated Fort Pitt, 26 May, 1766.

"Major Murray and I have appointed a time when we shall speak to all the Nations here, and endeavour to remove their Dissatisfactions on account of the Murders committed on their People, & all other causes of Complaints, and flatter myself we shall be able to remove their present disgust, as I am convinced they have an ardent desire to live in peace with us, from the open and free manner they have made known their Causes of Complaints. But if some effectual measures are not speedily taken to remove those People settled on *Red Stone Creek*, 'till a boundary can be properly settled as proposed, and the Governors pursue Vigorous measures to deter the Frontier Inhabitants from Murthering Indians which pass *to and from War* against their natural Enemies, the Consequences may be dreadful, & We involved in all the Calamitys of another general War."

The Board having taken the foregoing Letters into Consideration, advised the Governor to lay the same before the Assembly, and to recommend it to them by a Message to establish a Fund for defraying the Expences of providing Quarters, &c., for his Majesty's Troops to be sent into this Province, and of removing the Intruders on the Indian's Lands.

The following Message was accordingly prepared, approved, and Sent to the Assembly, together with the Several Letters from the General, & other papers therein referred to:

A Message from the Governor to the Assembly.

"Gentlemen:

"I am to inform you that a Detachment of the Royal Highland Regiment, in the month of June last, was sent into this Province from New York, by his Excellency General Gage, and have ever since been quartered in the Barracks in this City. I have, also, been lately favoured with a Letter from the General, wherein he gives me notice that his Majesty's Service will soon oblige him to Send a compleat Battalion of the King's Forces, consisting of Five hundred men, Officers included, and desires me to order provision to be made for quartering & providing them, according to an Act of Parliament, passed in the Fifth Year of His present Majesty's Reign, intituled 'An Act to amend and render more effectual in his Majesty's Dominions in America an Act passed in this present Session of Parliament entituled 'An Act for punishing Mutiny & Desertion, and for the better payment of the Army and their Quarters.'" This Act, among other things, requires that the King's Troops in their Quarters should be furnished and supplied at the Expence of the Province, with Sundry

necessaries, without paying anything for the same. For your more full Information, I have ordered the Act to be laid before you; and as there is no money in the public Treasury, you must be Sensible that it is impossible for me to comply with the General's Requisition without your aid; I, therefore, most earnestly recommend this matter to your Consideration, and hope you will establish a Fund sufficient for the Occasion.

"You will find, by another of the General's Letters of the 2d of July, herewith laid before you, that the Western Indians complain loudly of the Encroachments made by our people upon the unpurchased Lands. As nothing can be of more Importance to the Province, or consistent with Justice, than the speedy Redress of this Evil, for the doing of which, I have his Majesty's express Commands, I propose to take every measure in my power to compel all those Intruders to quit their Settlements; but as this necessary step cannot be taken without some Expence, I hope you will make timely provision for it.

"JOHN PENN.

"September 10th, 1766."

Friday, 12th September.

Two Members of Assembly waited on the Governor, and presented him a Message from the House, in the following words, viz":

A Message to the Governor from the Assembly.

"May it please Your Honour:

"We have taken into our Consideration your Message of the tenth instant, and are heartily disposed to make provision for the quartering and providing the Troops, which his Excellency General Gage has informed your Honour will soon be sent into this Province, and we shall accordingly Frame a Bill to be sent up to your Honour to establish a Fund for that purpose.

"The Intelligence which your Honour has been pleased to communicate to us, respecting those lawless Intruders on the Lands to the Westward of the Allegheny Mountains, is truly alarming, as such unwarrantable proceedings may involve His Majesty's Subjects in this and the neighbouring Governments, in all the Calamatics of an Indian War, if those Settlers should be suffered to continue there.

"But as we apprehend many of those rash people have gone from Virginia, between which province and this the Boundary has not been exactly ascertained, nor is it distinctly known on which side of the supposed Boundary those people are seated, & as that Province will be alike involved in the fatal Consequences of such a manifest

Breach of Faith with the Indians, We beg leave to recommend it to your Honour to take the earliest opportunity to communicate to Governor Fauquiere the Necessity of his uniting with you in taking the most expeditious as well as effectual Steps to remove those Intruders on the Lands to the Westward of the Allegheny Mountains, agreeable to his Majesty's Proclamation.

"We are fully sensible this Business cannot be effected without Expence; and as we are animated with the warmest desire to preserve the Peace so happily established with the Indians, and the People of this Province have ever been ready to give their Money chearfully for that good purpose, we cannot doubt that the succeeding Assembly will provide a Fund to discharge our Proportion of such reasonable Expence as your Honour may be put to, when ever you shall lay the Accounts before them for that purpose, or for the removal of Persons who have, or hereafter may attempt to settle or make Encroachments on any part of the unpurchased Lands within this Province.

"Signed by Order of the House.

"JOSEPH FOX, *Speaker.*

"September 12th, 1766."

At a Council held at Philadelphia on Thursday the 18th Sept., 1766.

PRESENT:

The Honorable JOHN PENN, Esquire, Lieutenant Governor, &c.

Benjamin Chew, Lynford Lardner, } Esq^rs.
Richard Penn, }

The Governor laid before the Board Six Bills sent up by the House for his Honour's Concurrence, which being read and approved, were ordered to be returned to the House without any Amendments. The Titles of the Bills are as follows, viz^t:

1. "A Supplement to the Act entituled 'An Act to enable certain persons therein named to erect a Court House at Easton, in the County of Northampton, and to levy a Tax upon the Inhabitants of the said County to defray the Expence thereof.'"

2. "An Act the better to enable persons therein named to hold Lands, and to invest them with the privileges of natural born Subjects of this Province."

3. "An Act to enable the Comm'rs herein after named to settle the accounts of the managers, and to sue for & recover from several persons such sums of Money as are now due and unpaid on account of a Lottery set up & drawn, for erecting a House of Worship at Carlisle, in the County of Cumberland."

4. "A Supplement to the Act entituled 'An Act for granting to his Majesty the sum of £55,000, and for striking the same in Bills

of Credit, and for providing a Fund for sinking the said Bills of Credit by a Tax on all Estates, real and personal, and Taxables within this Province.'"

5. "A Supplement to an Act entituled 'An Act to prolong the time limited for drawing the Lottery instituted & directed to be drawn in & by virtue of an Act entituled An Act for raising, by way of Lottery, the Sum of Three thousand Three Pounds fifteen Shillings, to be applied to the payment of the arrears of debt due for the finishing St. Peter's and St. Paul's episcopal Churches in the City of Philadelphia.'"

6. "An Act for granting to his Majesty the sum of £4,000 out of the Money now remaining in the hands of the Provincial Treasurer."

—

Friday, 19th September, 1766.

Two Members of Assembly waited on the Governor with a verbal Message from the House, requesting his Honour would be pleased to appoint a time for passing the Bills which had received his Assent; and also two Members of Council to compare them with the engrossed Copies. The Governor acquainted them that he would be in the Council Chamber at 12 o'Clock to-morrow, in order to pass the Bills, and should appoint a Member of Council and the Secretary to join with two Members of the House to collate them this afternoon.

—

Council Chamber, 20th Septem^r 12 O'clock, A. W. C.

The several engrossed Copies being compared with their Originals and found to agree, the Governor sent the Secretary to the House with a Message requiring their attendance. The whole house attending accordingly, the Speaker presented to the Governor the six Bills which had been agreed to, viz^t:

1. "A Supplement to the Act entituled 'An Act to enable certain persons therein named to erect a Court House at Easton, in the County of Northampton, and to levy a Tax upon the Inhabitants of the said County, to defray the Expence thereof.'"

2. "An Act the better to enable persons therein named to hold Lands, and to invest them with the privileges of natural born Subjects of this Province."

3. "An Act to enable the Commissioners herein after named, to settle accounts of the Managers, and to sue for & recover from several persons such sums of Money as are now due and unpaid, on account of a Lottery set up & drawn, for erecting a House of Worship at Carlisle, in the County of Cumberland."

4. "A Supplement to the Act, entituled 'An Act for granting to his Majesty the Sum of £55,000, and for striking the same in Bills

of Credit, and for providing a Fund for sinking the said Bills of Credit by a Tax on all Estates, real and personal, and Taxables within this Province.' "

5. " A Supplement to an Act entituled 'An Act to prolong the time limited for drawing the Lottery instituted & directed to be drawn in & by virtue of an Act entituled, 'An Act for raising by way of Lottery, the sum of £3003 15, to be applied to the payment of the arrears of debt, due for the finishing St. Peter's and St. Paul's Episcopal Churches in the City of Philadelphia.'' "

6. " An Act for Granting to his Majesty the sum of £4000 out of the Money now remaining in the hands of the Provincial Treasurer;" which the Governor was pleased to enact into Laws; and signed a Warrant for affixing the great Seal thereto; and they were ordered to be deposited in the Rolls Office.

The Speaker then presented a Certificate for £500 to his Honour, for which he returned Thanks to the House.

At a Council held at Philadelphia, on Tuesday the 23d day of September, 1766.

PRESENT:

The Hon^ble. JOHN PENN, Esq^r. Lieut. Governor, &c.
Benjamin Chew, Richard Penn, Esqrs.

The Board having considered the necessity of taking some speedy measures for the removal of the people who have Seated themselves on any of the Indian Lands within this Province, advised the Governor to issue a Proclamation, commanding in his Majesty's name, all persons whatsoever, who have made any such settlements, immediately to relinquish them, and also, strictly forbidding all Encroachments of the like kind for the future.

A Proclamation being prepared, was approved, and ordered to be printed, and Two hundred Copies dispersed through all the back Counties, and sent to the different posts on the Communication to Fort Pitt, and also to be inserted in the Pennsylvania Gazette & Journal. The Proclamation follows in these words:

[*Locus Sigilli*] " *By the Honourable JOHN PENN, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, and Sussex, on Delaware:*

"A PROCLAMATION.

" WHEREAS, I have received Information that many ill-disposed persons, in express Disobedience of his Majesty's Proclamation and Royal Instructions, and regardless of the rights of the Proprietaries, or the Indians in Alliance with the English, have, without any Licence or Authority, seated themselves upon Lands within this

Province, not yet purchased of the Nations; *And Whereas*, the making such settlements doth greatly tend to irritate the Indians, and may again involve us in a War with them, if not put an immediate stop to; *And Whereas*, I have lately received His Majesty's positive Commands to suppress such unwarrantable Proceedings, and to put an end to these and all other the like Encroachments for the future. I have, therefore, thought fit, with the advice of the Council, to issue this Proclamation, hereby strictly enjoining and requiring, in His Majesty's name, all Persons whatsoever, who have made any such settlements within this Province, immediately to evacuate & abandon them, as they will answer the contrary at their Peril; And I do hereby prohibit all his Majesty's Subjects, of this, or any other Province, or Colony, from making any Settlements, or taking any Possession of Lands, by marking Trees, or otherwise, beyond the Limits of the last Indian Purchase, within this Province, upon pain of the severest Penalties of the Law, and of being excluded from the privilege of securing such Settlements, should the Lands, where they shall be made, be hereafter purchased of the Indians; *And Whereas*, it has been reported that a certain Frederick Stump, a German, settled beyond the Indian Purchase near to Fort Augusta, had my Warrant or Authority for making such settlements; I do hereby declare that the said Report is utterly false and groundless, and that neither the said Stump, nor any other Person, ever had the least Encouragement from me to settle on any Lands unpurchased of the Indians, but that on the Contrary, I have constantly denied every Application of that kind.

"Given under my Hand and the Great Seal of the said Province at Philadelphia, the Twenty-third day of September, in the Year of our Lord, one thousand seven hundred and sixty-six, and in the sixth Year of His Majesty's Reign.

"JOHN PENN.

"By His Honour's Command.
"JOSEPH SHIPPEN, jun^{r}, Secretary.

"GOD SAVE THE KING."

At a Conference held at Philadelphia, on Tuesday the 25th September, 1766.

PRESENT:

The Honourable JOHN PENN, Lieutenant Governor, &c.
Richard Peters, Esq^{r}, of the Council.
Joseph Fox, Esq^{r}, of the Assembly.

Indians Present:

Jemmy Nanticoke,
John Topy,
John Curtis,
Anthony Turkey,
Jacob Turkey,
John Parrish.

Jemmy Nanticoke, addressing himself to the Governor, spoke as follows, by John Curtis, Interpreter:

"Brother:

"We that are now present of the Nanticoke, Conoy, and Mohickon Tribes, and are come from the Council Fire at Chenango, and what we have to say to you is in behalf of the Counsellors sitting there, and ourselves.

Then taking three Strings of Wampum, he said with the first:

"Brother:

"I clear your Eyes, and wipe away all your Tears; with the second I take the Sorrow out of your Heart, and free it of all Grief and Trouble; and with the third I cleanse the Council Chamber, and remove all Dust and Filth from it.

He then produced a black Belt, and said:

"Brother:

"It is now proper for us to mention to you that there has been a great deal of Wickedness of late, which hangs like a Cloud in the Air, and hinders us from seeing each other, and from transacting or settling such Business as we may have with one another. By this Belt, therefore, we remove these Clouds, and we now present it to you to shew our Joy that the great God of Heaven has brought us again together to see one another with the same Brotherly affection we used formerly to do; For we have not forgot all the Wickedness and Evils that have been committed of late Years between us; and we hope and desire you will do the same, and then our and your Children and grand-Children, who never saw these Things, and know as yet, nothing at all about them, may live together in Peace & Friendship.

A Belt.

Then producing a White Belt, with four black Diamond Figures in it, he said:

"Brother:

"I am now to assure you that all the Obstructions & Blood which the late Wars have occasioned in the Road between the Council Fire at Philadelphia, that at Chenango, and the other at Onondaga, and which have prevented all communication between us, are now taken away, and the Road is opened again, and made so clear and good that we may travel it, and pass along freely and safely to see each other in the same manner as our Grandfathers formerly did, when they lived with you on Terms of the utmost Friendship. In confirmation of this we give you this Belt.

A Belt.

A Third Belt being then produced, he said:

"Brother:

"As we came down from our Country we stopped at Wyoming, where we had a Mine in two places, and we discovered that some

white People had been at work in the Mine, and had filled three Canoes with the Oar; and we saw their Tools with which they had dug it out of the Ground, where they had made a hole at least forty feet long, and five or six feet deep. It happened formerly that some white People did now and then take only a small bit and carried it away; but these People have been working at the Mine, and have filled their Canoes.

"You know, Brother, that by ancient Treaties, we are obliged to acquaint each other when anything hurtful shall happen to either of us. According to this, our Agreement, we now inform you of this injury done to us, which is a very bad thing, and may produce Mischief between us, because the Indians may resent it, and come and kill some of your People, which we should be very sorry for; and if we did not inform you of it, you would justly blame us.

"Now by this Belt, we desire you will tell us, whether you know anything of this matter, or if it is done by your Consent. And we desire you will prevent anything of this sort for the future, that there may be no Breach between you and us on this Account.

A Belt.

He then added:

"Brother:

"We inform you that there is one John Anderson, a Trader, now living at Wyoming, and we suspect that either he or somebody employed by him has robbed our mine. This Man has a Store of Goods there, and it may happen, when the Indians see their Mine robbed, they will come and take away his Goods. You will then complain to the Council of Onondago, that such a robbery has been committed; and when the Indians make their answer, they will say they did it in return for the injury they received by the Robbery from their mine, and by these means the Robbery subsisting between us may be broken."

Having finished what he had to say respecting their Friendship, he then delivered a Belt with seven square figures in it, and complained that the Indians were very poor, and begged the Governor would make a Present of a Saddle to Anthony, and a small Gun to Jacob, for shooting Pidgeons & Squirrels along the Road as he travelled home.

Then by a white String, he begged a Horse for the old Conoy Chief, whose name is *Last Night*, as he has lost the Horse which Governor Hamilton gave him, and was now grown fat and old, and could not do well without one.

Then, by a black and white String, he begged a small Horse for the old Man John Topy, which he wanted for carrying his young Children and Things home.

They concluded by John Parish's presenting the Governor with a long Peace-Pipe, that he might smoke with any Indians that should hereafter come down to confer with him about Friendship.

At a Conference held at Philadelphia, on Thursday Septem^{r} 27th, 1766

PRESENT:

The Honourable JOHN PENN, Esq^{r} Lieutenant Governor, &c.
Richard Peters, Esq^{r} of the Council.
Joseph Fox, Esq^{r} of the Assembly.

Jemmy Nanticoke,	Antony Turkey,	Indians.
John Topy,	Jacob Turkey,	
John Curtiss,	John Parrish,	

"Brethren Nanticokes, Conoys & Mohickons, living at Chinango:

"We are glad to see you; we take your visit kindly, and are pleased with all that you have said to us.

A String.

"Brethren,

"We agree with you, that when there has been any wickedness committed, it should all be removed, so that neither may bear any thing in our Hearts against one another, for any wickedness that has been done; and therefore, before we proceed to give you an Answer to your Speeches, we call to mind with grief of Heart, that three Indians of your Tribes, came to their Death in the heat of the War by some Parties of our Warriors, who did not know that they were of your Tribes, and took them to be Enemy Indians, and unfortunately killed them by mistake. And now, Brethren, with this String we take the Hatchets out of your Heads, and all Mourning from your Hearts.

A String.

"Brethren:

"With these Handkerchiefs we wipe away the Tears from your Eyes.

"Brethren:

"With these Strouds we cover their Graves. We have pulled up a great Tree and gathered together all the Bones & Blood and buried them all together in a deep hole, and planted this Tree over them, that neither we nor our Children may ever find the place where they are buried. And now, Brethren (we shall proceed to give you an answer), as many Things in a time of great wickedness have been done to hinder us from seeing one another and councilling together, We join with you in wiping all Tears from your Eyes, taking all sorrow out of your Hearts, and making the Council Seats clean from all Blood and Filthiness, that we may confer with the same Chearfulness and Openness our Grandfathers used to do.

Three Strings.

"Brethren:

"We acknowledge with you the great Mercy of God in bringing us together after so much Wickedness has been committed, and we

do hereby tell you, in behalf of ourselves and our Children, & their Children, that we have forgot all this Wickedness, and will never mention it more, that it may not come to the Ears of any of those that shall be born after us.

A Belt.

"Brethren:

"We remember the Nanticokes and Conoys had a Council Fire formerly at the Mouth of Juniata; that they afterwards were admitted into the great Council at Onondaga, & that they now have a Council Fire burning at Chenango; and we most heartily join with you in opening the Roads, as well to Chenango as Onondago. We do on our parts make them quite clean, so that they may be freely and safely passed for you to visit us; and we take all the old Chunks and pieces of wood about the Council Fire both at Chenango and Onondago, and heap them all together, that there may be nothing in the way, but you may safely travel in them when your occasions shall call you to visit us; but as to Business that relates to the Public, you know this is transacted with General Johnson, who has His Majesty's Commission to settle all Public Business relating to Indians of all Nations.

"Brethren:

"We have heard what you say about the Mine at Wyoming; we assure you that we know nothing of this matter, and if Anderson has settled there, he has been guilty of a Breach of our General Orders which we have given in His Majesty's Name, strictly forbidding all Persons whatsoever from going to live or settle in the Indian Country. However, we thank you for your Information; shall make enquiry about Anderson, and shall do our Endeavours to prevent any thing of the sort for the future; But you know that notwithstanding all our Care, as it is at such a Distance, People may go there and we know nothing of it.

A Belt.

"But in order to prevent any Misunderstanding or Quarrels between us, we now desire that if any of our People should hereafter attempt to take away any Oar from your Mine, you will endeavour to learn their Names and give the Governor early Information of it, that he may call them to an Account for it, and you may let them know that you have the Governor's Orders for this."

A List of the Goods, &c., presented by the Governor to the Indians on this Occasion, viz[t]:

8 Black Strouds, 12 Silk Handkerchiefs, 8 Indian Blankets, A piece of spotted Cotton Handkerchiefs, 2 Horses & a Saddle.

At a Council held at Philadelphia, on Saturday the 4th October, 1766.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c.

Benjamin Chew, Richard Penn, } Esq^rs.

The Governor laid before the Board the Returns of the Sheriffs and Coroners elected for the several Counties in this Province, and the Government on Delaware, which being duly considered, the following Persons were appointed and commissionated as the Sheriffs and Coroners for their respective Counties, viz^t.:

William Parr,	Sheriff,	Philadelphia County.	
Caleb Cash,	Coroner,		
Philip Ford,	Sheriff,	Chester	D^o.
John Trapnall,	Coroner,		
William Buckman,	Sheriff,	Bucks	D^o.
William Doyle,	Coroner,		
Jasper Scull,	Sheriff,	Berks	D^o.
Christopher Witman,	Coroner,		
John Barr,	Sheriff,	Lancaster	D^o.
Mathias Slough,	Coroner,		
Peter Kacklein,	Sheriff,	Northampton	D^o.
David Bahringer,	Coroner,		
David McConnaughy,	Sheriff,	York	D^o.
Joseph Adlum,	Coroner,		
John Holmes,	Sheriff,	Cumberland	D^o.
James Jack,	Coroner,		
John Thompson,	Sheriff,	New Castle	D^o.
James Walker,	Coroner,		
Thomas Collins,	Sheriff,	Kent	D^o.
Solomon Wallace,	Coroner,		
Rhoads Shankland,	Sheriff,	Sussex	D^o.
Thomas Gray,	Coroner,		

At a Council held at Philadelphia, on Friday the 10th of October, 1766.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c.

Benjamin Chew, Richard Penn, } Esq^rs.

The Governor laid before the Board the Records of Conviction of Dennis Scanlan, for a Robbery on the Highway, and of Abra-

ham Ryall and John Christ, for Burglaries, at a Court of Oyer and Terminer and General Gaol Delivery, held at Philadelphia on Tuesday, the 23d of September last, before William Allen, Will^m. Coleman, and Alexander Stedman, Esquires, Justices of the Supream Court, &c., which were certified as true Transcripts by the Clerk of the said Court. By one of the said Records it appears that on the said twenty-third day of September, Dennis Scanlan was tried and convicted of Felony and Robbery on the Highway, committed on the Person of George Gray, the 12th day of August last, and had received Sentence of Death for the same. By another of the said Records it appears that on the said 23d of September, Abraham Ryall was tried and convicted of Felony and Burglary, committed in the mansion House of Samuel Burkeloe, in the District of Southwark, the 10th of April last, and had also received Sentence of Death for the same And by the Other Record it appears that on the said 23d of September, Ju^o. Christ was tried and convicted of Felony and Burglary committed the 26th July last, in the mansion House of Christ^r. Aenger in the said City, and had likewise received Sentence of Death for the same.

The Board taking these several Cases into due Consideration, and no Circumstances having been reported to the Governor by the Justices of the Said Supream Court, nor otherwise appeared in their favour, excepting with respect to John Christ, the Board were of Opinion that the Sentences of the Court against Dennis Scanlan and Abraham Ryall should be put into Execution, and a pardon granted to John Christ.

The Governor accordingly signed Warrants for the Execution of the two former, on Saturday the 18th of October, Instant, and issued a pardon for the latter.

At a Council held at Philadelphia, in the Council Chamber, on Wednesday the 15 October, 1766.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c.

Benjamin Chew, Richard Penn, Eq^rs.

Eight Members of Assembly waited on the Governor last night, and acquainted him that pursuant to the Charter and Laws of this Province, a Quorum of the Representatives had met, and having proceeded to chuse their Speaker, desired to know when he would be pleased to receive the House, that he might be presented for his Honour's Approbation.

The Governor having appointed this day at 12 O'clock for that purpose, acquainted the House by the Secretary, that he attended his appointment in the Council Chamber, and was ready to receive the House with their Speaker.

The whole House accordingly came up, and presented Joseph Galloway, Esq^r^ as their Speaker, who, after receiving the Governor's Approbation, claimed the usual Privileges in the name and behalf of the House, viz^t^ :

1st. That the better to discharge the Business of the public, they may at all seasonable times have free access to the Governor.

2dly. That their persons may be protected from all Arrests & Insults during the time of privilege accustomed.

3dly. That it may please the Governor to take no Notice of any Report that may be made touching any matter or thing that may be moved or debated in the House until the same shall have passed into Resolves, nor give the least Credit to such Report.

These being requested by the Speaker, as the Rights and Privileges of the Freemen of Pennsylvania, derived & confirmed to them by the Charter and Laws of the Province, and the Speaker further requesting of his Honour that his own unwilling mistakes may be excused, and not imputed to the House, the Governor was pleased to make answer that he looked upon them to be essential in a Representative Body, and the House might depend on his care in protecting them therein.

The Governor afterward informed the Board that on the 1st of August last, Mr. John Cox, Jun^r^ of this City, presented him a Memorial, setting forth that on the 19th day of June last, when the Sheriff of Lancaster County, with a Jury, were, pursuant to an Order of Court, about to make a view of a Tract of Land in contest between the said Mr. Cox, and Robert Potts, and about to run its Boundaries, the Sheriff was interrupted by Thomas Forster, Esq^r^ one of the Justices of the Peace for the said County of Lancaster, at the head of a mob of about 25 men, armed with Clubs and other Dangerous Weapons, who, together with the said Thomas Forster, and at his instigation, abused and assaulted the Sheriff and Jurors, broke the Surveyor's Chain, and committed many Acts of Violence and Outrage; that, altho' the Sheriff produced and published his Authority, Mr. Forster treated him with very offensive and opprobrious Language, and took great pains to inflame the Minds of his Adherents, and provoke them to a forceable opposition of the Sheriff; That the Sheriff called upon him at several times, to exert his Authority as a Magistrate, to command and keep the Peace, which he refused to do; and that upon being told the Governor should be made acquainted with his Conduct, he damned his Commission, &c^a^.

His Honour further informed the Board that he immediately communicated to Mr. Forster, by Letter, the above Charges against him, in order to give him an Opportunity of exculpating himself, and desired him, if he intended to make any Justification of his Conduct, to acquaint him with the time he proposed to bring down his Witnesses for that purpose, that Mr. Cox might have Notice to attend; But that Mr. Forster had neglected to answer his Hon-

our's Letter, or to say any thing in his own Vindication; And that he had since been well informed that Mr. Forster, with several persons, were indicted for the Misdemeanors above mentioned, at the last Court of Quarter Sessions at Lancaster.

The Council taking this matter into Consideration, were of Opinion that Mr. Forster ought no longer to be continued in the Commission of the Peace; The Governor, therefore, issued a Supersedeas to remove him from the Magistracy.

At New-Castle, Tuesday the 21st October, 1766, A. M.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c.; and

Richard Penn, Esquire.

Three Members of the Assembly of the Government of the Lower Counties waited on the Governor with a Message from the House, that they had met yesterday, pursuant to the Charter and Laws of the Government, had chosen their speaker, and desired to know when and where they might present him to his Honour for his approbation. The Governor having answered them that he should be ready to receive the House immediately at his Lodgings, They accordingly attended, and presented Mr. John Vining as their Speaker, who, after being approved by the Governor, claimed, in behalf of the House, the usual privileges, which were allowed, and then they withdrew.

Eodem die, P. M.

A Message was delivered to the Governor by three Members, acquainting him that the House were duly qualified, and desired to know if his Honour had any Business to lay before them. The Governor answered that he had nothing to recommend to them, and desired they would proceed to do the business of their present Session.

At a Council held at New Castle, on Saturday the 1st Nov^{r} 1766.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Benjamin Chew, } Esquires.
Richard Penn, }

The House having yesterday and this day sent up to the Governor Eight Bills for his perusal and concurrence, his Honour laid

them before the Board for their consideration. The Board accordingly read and considered Six of the said Bills, entituled, as follow, viz^{t}:

1. "An Act to enable a Majority of the owners and possessors of the Marsh and Cripple lying on prime hook Creek, in the County of Sussex, on Delaware, to Embank and Drain the same, and to keep the outside Banks and Dams in good repair forever."

2. "An Act for the more effectual draining and improving the Marsh on the North End of the Town of New Castle, in the Tenure and Occupation of John Finney, Esq^{r}, the Rev^{d} Aneas Ross, James Sykes, Esq^{r}, and John Maxwell, the Heirs of Benjamin Price, Daniel McLonen, Robert Morrison, John Silsbee, George Munro, Esq^{r}, and Nathaniel Silsbee."

3. "An Act to enable the Owners and Possessors of the Marsh and Cripple, lying upon Blackbird's Creek in Appoquinimink Hundred, and County of New Castle, on Delaware, to embank and drain the same, and to keep the outside Banks and Dams in good repair forever."

4. "An Act to enable the owners of a piece of Marsh, on the South side of Pertdie Creek, fronting the river Delaware, effectually to embank and drain the same, and to oblige all the Owners of the Marsh, situate on the said river, inclosed by a Bank running from a point of fast Land of Jonas Stidham to Delaware aforesaid, and down the same, to the Southermost point of the fast Land of James Eves, to keep the same Bank and Dam in good repair forever, and to raise a Fund to defray sundry contingent and yearly Expenses accruing thereon."

5. "An Act for aiding the discontinuance of the Process of the Supreme Court in the County of Sussex, and for appointing other days for holding the said Court within the said County."

6. "An Act directing the choice of Inspectors and Assessors in this Government, and for the Amendment of an act entituled 'An Act for raising Rates and Levies,'" Which were returned to the House by the Secretary, with a few Amendments made to the three first, and a verbal Message that the Governor agreed to the three last mentioned Bills.

Then were also read the two other Bills, entituled,

1. "An Act to enable Mary Sykes, an Infant, by Guardian, to suffer common Recoveries of her real Estate in the Counties of New Castle and Kent, in order that the same may be held by her in Fee Simple."

2. "An Act for the amending the Laws relating to Testamentary Affairs, and for the better Settling Intestates' Estates."

Which being duly considered, were returned to the House by the Secretary, with a verbal Message concerning the former, and a written Message respecting the latter. The said Messages follow in these words, viz^{t}:

Verbal Message to the House, delivered by the Secretary.

"Sir:

"The Governor returns the Bill entituled 'An Act to enable Mary Spykes, an Infant, by Guardian, to suffer common Recoveries of her real Estate, &c.,' and desires me to inform the House, that the reasons set forth in the Bill, do not appear to him of sufficient Weight, or of so much benefit & advantage to the Infant as to induce him to give his assent to alter & change the nature and Quality of the Estate she holds under the will of the Donor, Robert French; and further, that he apprehends those in reversion or remainder, whose Interests are to be affected in this case, ought to have had notice of the Bill before it passes into a Law. Wherefore, at present, he cannot assent to it."

—

A Message from the Governor to the Assembly.

"Gentlemen:

"I have considered the Bill entituled 'An Act for the amending the Laws relating to Testamentary affairs, and for the better settling Intestates' Estates,' with as much Care as the shortness of the time and the attention I have been obliged to pay to several long Bills just returned to you, would admit of.

"The Motives which led you to the framing this Bill are very laudable ones, and I am most heartily disposed to concur with you in every Measure that can be devised for effectually securing minors and Orphans in the Enjoyment of their Estates; but as I imagine the Sessions is drawing to a Conclusion, the present Bill appears to me of so much Importance, and of such a Nature, as to require more thought & Consideration than I can now give it. I therefore propose, if it is not disagreeable to you, to take my Leisure to consider it during the recess of the House, and to return it at the next Sessions, with my Sentiments upon it.

"JOHN PENN.

"New Castle, 1st November, 1766."

It being represented to the Governor that three Magistrates were wanted in Kent County, to accommodate the Inhabitants of those parts, where no Justice of the Peace lives within many miles distance; And Jacob Stout, Fenwick Fisher, and Thomas Tilton, being recommended as proper & fit persons for that purpose, The Governor, with the advice of the Council, ordered a new General Commission of the peace to be prepared, leaving out such of those named in the last Commission as refused to qualify, and appointing the above named Gentlemen in their stead.

A Commission was accordingly this day issued, assigning the members of Council and the following Gentlemen, Justices of the

Peace and of the County Court, Court of Common Pleas, for the County of Kent, Viz^{t}:

John Caton,
Richard Wells,
Thomas Irons,
Andrew Caldwell,
Caeser Rodney,
Charles Ridgely,
John Barns,
James Sykes,
William Rhoades,
William Rodney,
Robert Holliday,
John Clark.
Robert Killen,
Jacob Stout,
Fenwick Fisher,
Thos. Tilton.

—

Eodem Die, 7 o'clock, P. M.

Three Members of Assembly waited on the Governor and acquainted him that the House were very thankful to his Honour for his Message concerning the Bill for amending the Laws relating to Testamentary Affairs, and settling Intestates' Estates; But that, as it was a Bill which the House had much at heart, and had given great attention to, during their last as well as present Sessions, & would, if passed into a Law, be of very considerable Use and Benefit to their Constituents, The House earnestly requested the Governor would be pleased to take it under his Consideration at this Sessions, and that, unless the public Business of Pennsylvania require his immediate attendance at Philadelphia, The House were inclined to sit as many days longer as the Governor should think requisite, in order to deliberate upon a Bill of so much Importance to the Government.

Whereupon the Governor resumed the Consideration of the Bill for amending the Laws relating to Testamentary Affairs and better settling Intestates' Estates; and after some time spent therein, having made several material Amendments to it, returned it to the House, with a verbal Message by the Secretary, "that his Honour had made some hasty amendments to it, and, if the House agreed to them, was ready to pass the Bill into a Law, tho' he should have been glad to have had it in his power to give more time in the Consideration of it."

—

Eodem die, 11 o'clock, P. M.

The House sent a Message to the Governor by three Members, acquainting him that they had acceded to the Amendments proposed by his Honour to the Intestate Bill, as well as to The others which

had been returned to the House; and they desired the Governor would be pleased to appoint a time for passing the Bills. His Honour having answered, that he was then ready to receive the House, They immediately attended at his Lodgings, and the Speaker presented the Seven Bills agreed on, which the Governor enacted into Laws, signed a Warrant for affixing the Great Seal thereto, and directed the Secretary to accompany two Members of Assembly, to see them Sealed and deposited in the Rolls Office. The Speaker then delivered to the Governor Orders on the Trustees of the Loan Office for £200, for which he returned Thanks to the House.

7th November, 1766.

MEMORANDUM.

It being represented to the Governor that two Justices of the Peace were wanted in Berks County, in the room of William Maugridge and Jacob Levan, Esq^rs, deceas'd, and Sebastian Zimmerman and Nicholas Harmony, being recommended as Proper and fit Persons to be Commissionated for that purpose, The Governor accordingly appointed them by issuing a special Commission, assigning the said Sebastian Zimmerman and Nicholas Harmony, Justices of the Peace and of the County Court of Common Pleas for the said County of Berks.

At a Council held at Philadelphia, on Saturday the 15th of November, 1766.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c.

Benjamin Chew, Richard Penn, Esq^rs.

The Governor having, on Saturday last, received by the Packet the following Letters, laid them before the Board for their Consideration, viz^t: Two from the Right Honourable the Earl of Shelburne, one of His Majesty's Principal Secretaries of State; one dated the 9th of Aug^t, 1766, inclosing his Majesty's Order in Council of the 8th of the same Month, and the other bearing date the 13 September last. Also, a Letter from the Right Honourable the Lord's Commissioners for Trade and Plantations, dated the 1st of August, 1766, which were read, and are as follow, viz^t:

A Letter to the Governor from the R't. Hon'ble. the Earl of Shelburne.

"WHITEHALL, 9th August, 1766.

"Sir:

The King having been pleased to make an Order in Council, bearing date the 8th Instant, which revokes and repeals every Clause and Article contained in the Order made by his late Majesty in Council, on the 11th day of March, 1752, I transmit to you herewith, in Obedience to the above mentioned Order, a Copy of the same for your Information and Observance.

"I am, with great Truth and Regard, Sir,

"Your most Obedient humble Servant,

"SHELBURNE.

"Deputy Governor of Pensilvania."

—

Copy of His Majesty's Order in Council, dated the 8th Aug'st, 1766.

"At the Court at St. James's the 8th day of Aug't 1766.

"PRESENT:

"THE KING'S MOST EXCELLENT MAJESTY.

"Lord President,	Earl of Hillsborough,
"Lord Privy Seal,	Earl of Shelburne,
"Duke of Grafton,	Viscount Falmouth,
"Earl of Hertford,	Mr. Secretary Conway.

"Whereas there was this day laid before his Majesty, at this Board, an Order made by His late Majesty in Council on the 11th day of March, 1752, containing several Rules and Regulations relating to his Majesty's Colonies and Plantations in America, particularly with respect to the Correspondence to be carried on between the Lords Commissioners for Trade and Plantations & the Governors of the said Colonies and Plantations respectively. His Majesty, taking the aforementioned Order into his Consideration, is hereby pleased, with the advice of His Privy Council, to revoke and repeal the same, and every Clause, Article and thing therein contained. And His Majesty doth hereby signify his further pleasure that the Lords Commissioners for Trade and Plantations do cause a Copy of this Order to be entered upon the Books of the Plantation Office; And that one of his Majesty's Principal Secretaries of State do cause Copies thereof to be sent to the Governors of his Majesty's Colonies and Plantations in America, to the End that all Persons concerned may govern themselves accordingly.

"And his Majesty doth hereby further Order that the said Lords Commissioners for Trade and Plantations do prepare the Draft of

an additional Instruction to be sent to the Governor's and Commanders in-Chief of all his majesty's said Colonies and Plantations respectively, as well in America as elsewhere, revoking and annulling all and every such part & parts of the general Instructions to them as do direct the said Governors to correspond in matters relative to their said Governments respectively, with the said Lords Commissioners for Trade and Plantations only, and signifying his Majesty's Pleasure that in all Cases where the said Governors are directed and required to transmit any particular or general Accounts of their Proceedings or of matters relative to their Government, they do, for the future, transmit the same to his Majesty, by one of his Majesty's Principal Secretaries of State, and also Transmit Duplicates thereof to the Lords Commissioners for Trade and Plantations for their Information, except in Cases of a Secret Nature.

"W. BLAIR."

A Letter to the Governor from the Rt. Honble. the Earl of Shelburne.

WHITEHALL, September 13th, 1766.

"Sir:

"Advices having been received from His Majesty's Superintendants for Indian Affairs, that the most unprovoked Violences and Murthers have lately been committed on the Indians under the protection of his Majesty, and whose Tribes are at present in peace and Amity with his Majesty's Provinces, and that the Offenders have not yet been discovered and brought to Justice, & likewise that Settlements have been made on the back of the Provinces without proper Authority, and beyond the Limits prescribed by His Majesty's Royal Proclamation of 1763, and in some places even beyond the utmost Boundaries of any Province in America, & that in consequence the Indian Nations Do everywhere discover the greatest discontents and resentments, which may endanger the peace of his Majesty's Provinces, and the Safety of his Subjects.

"It is therefore his Majesty's Commands, that you do apply yourself in the most earnest manner to remedy and prevent those Evils which are as contrary to the Rules of good Policy, as of Justice and Equity.

"The Violation of those Principles, attended also with so many Dangers to the Provinces, is what cannot be permitted. If a due Obedience had been paid to his Majesty's Royal Proclamation, and a due attention given to proper Restraints on the Conduct of the Indian Traders, these Evils would have been effectually avoided.

"His Majesty's Commander-in-Chief has received express Orders to cooperate with the civil Government for the enforcing a due obe-

dience to that Proclamation, and His Majesty requires and expects every measure to be taken which prudence, shall dictate for the removing such Settlers, preventing in future any such Settlements as are contrary to the Intention of it, and for apprehending such Offenders whose daring Crimes have so direct a Tendency to involve the whole of His Majesty's Provinces in America in an Indian War.

"I am with great Truth and Regard,
"Sir,
"Your most Obedient
"humble Servant,
"SHELBURNE.

"Deputy Governor of Pensilvania."

A Letter to the Governor from the R't Hon'ble the Lords Commiss'rs for Trade, &ca.

"WHITEHALL, August 1st, 1766.

"Sir:

"In pursuance of an Address of the House of Commons to his Majesty, on the 27th of March last, and of His Majesty's Commands thereupon, signified to us by His Grace the Duke of Richmond in a Letter to us, dated the 11th ult., you are forthwith to prepare, & as soon as possible transmit to us, in Order to be laid before the House of Commons in the next Session, a particular and exact account of the several manufactures which have been set up and carried on within the Colony under your Government since the Year 1734, and of the publick Encouragements which have been given thereto.

"You are also from time to time annually to transmit the like Account of any Manufactures which shall be hereafter set up, and of the publick Encouragements which shall be given thereto.

"We are, Sir, Your most Obed^t Serv^ts,
"DARTMOUTH,
"ED. ELIOT,
"JOHN ROBERTS,
"W^M. FILCHERBEIT,
"PALMERSTON.

"JOHN PENN, Esquire, L^t Gov^r of Pennsylvania."

The Board taking into Consideration the Subject of the Earl of Shelburne's Letter of the 13th of September, advised the Governor to write immediately to the Governor of Virginia, pursuant to the Opinion of the Assembly, expressed in their Message of the 12th of September last, desiring he would unite with this Government in

taking the most expeditious and effectual Steps to remove the Intruders on the Lands Westward of the Allegheny Mountains, agreeable to his Majesty's Proclamation of 1763, and also requesting him to give an answer to his Honour's Letter of the 11th March last, respecting the murder of the Indian near Fort Cumberland by Samuel Jacobs. The following Letter was accordingly prepared, and sent to Governor Fauquiere by the Post, viz^{t}:

A Letter from the Governor to the Governor of Virginia.

"PHILADELPHIA, 15th Novem^{r} 1766.

"Sir:

"I am under the necessity of troubling you on a matter of very great Importance to the future well-being of all His Majesty's Colonies, but which more immediately concerns the safety of his Subjects within your and my Governments.

Since the conclusion of the late Treaties of Peace and Friendship with the several Northern and Western Tribes of Indians, many ill disposed persons, in contempt of the Royal Proclamation of the 7th of October, 1763, and in violation of the Rights of the Natives, have without authority either from me, or I presume from the Government of Virginia, dared to Seat themselves on Lands near Redstone Creek & the Monongahela, of which the Indians have repeatedly complained, with great Justice, to the Agents for Indian affairs, and intimated that unless redress is given them for these violences, the Peace so happily established cannot long continue.

In obedience to his Majesty's Instructions of the 24th of October, 1765, a copy whereof I herewith send you, I have issued Proclamations commanding all persons who have made such Settlements within this Government, forthwith to evacuate them. But as I expect very little regard will be paid thereto, I think it my Duty to take other more effectual measures.

In September last, I laid these matters before my Assembly, who after due Consideration, gave it as their advice, that I should apply to you to co-operate with me on this Occasion. This advice will appear very reasonable and proper, when it is considered that as the Boundary Line between Virginia & Pennsylvania has not yet been ascertained, and it is probable the Settlements made by those lawless People, may shelter themselves under an unsettled or disputed Jurisdiction, by which means it may be difficult, if not impossible, to comply with his Majesty's Orders, unless both Governments concur in one and the same measure. It therefore becomes a duty in me to apply to you on this Occasion, and to desire you will be pleased to unite with me in taking such Steps for the removal of the Settlers on the Monongahela Lands as may be thought most expedient & proper; and I have the pleasure to inform you that if, after legal and prudent measures have been taken, a Military Force

should be found requisite, the Commander-in-Chief will afford us any aid we may stand in need of.

"I beg you will be pleased to favour me with your answer on this Subject as speedily as possible; and if you incline to join with me in using the best endeavours to enforce a due Obedience to his Majesty's proclamation of 1763, by compelling the Intruders on the Indian Lands immediately to quit their settlements, I should be glad to know your Sentiments as to the Measures that will be most effectual for this purpose.

"I did myself the honour to write to you the 11th March, concerning the Murder of a Friendly Indian near Fort Cumberland, in January last, suspected, with great reason, from the Deposition of Captn. Lemuel Barrit, to have been perpetrated by one Samuel Jacobs, who afterwards, as was believed, fled into the back parts of Virginia, and having requested you would cause strict search to be made for him throughout your Colony, I beg you will now be kind enough to acquaint me what has been done in consequence of your Orders therein; and whether any intelligence has been obtained about that Villain, as I am very anxious that Offenders of this kind should be discovered & brought to Punishment, as well to convince the Indians of our disposition to do them every act of Justice in our power, as to prevent the terrible Calamities of another Indian War.

"I am, Sir, With great Regard,
"Your most Obedient humble Servant,
"JOHN PENN.

"The Honble. Francis Fauquiere, Esqr."

The Letter from the Lords Commissioners for Trade & Plantations, was referred to a future Consideration.

The Governor then acquainted the Board that he had also received by the packet from the Honble. Thomas Penn and Richard Penn, Esqrs., a new Commission under their hands and Seals, dated the 11th of August last, continuing him Lieutenant Governor of this Province and the Lower Counties, from the first of December next (when his present Commission expires) until the 1st of December, 1769, as also Copies of two of his Majesty's Orders in Council, dated the 8th of August last, the one declaring his Majesty's approbation of John Penn, Esquire, to be Lieutenant Governor of the said Province and Counties, and the other containing his Royal Orders to the Governor of New York, or any other of His Majesty's Governors in the Neighbouring Provinces, for administering to him the several Oaths required by Law to qualify him for that Trust, and for taking the usual Security for his observing the acts of Trade and Navigation; the said Commission & Orders of Council being laid before the Board, were read, and the Orders directed to be entered on these Minutes are as follow, vizt:

"At the Court at S^{t} James's, the 8th of August, 1766.

"PRESENT:

"The KING'S MOST EXCELLENT MAJESTY.

"Lord President,	Earl of Hillsborough,
"Lord Privy Seal,	Earl of Shelburne,
"Duke of Grafton,	Viscount Falmouth,
"Earl of Hertford,	Mr. Secretary Conway.

"WHEREAS, His Majesty was pleased, by His Order in Council of the 15th of June, 1763, upon the Representation of Thomas Penn & Richard Penn, Esquires, Proprietaries of the Province of Pennsylvania, & Counties of New Castle, Kent, & Sussex, on Delaware, in America, to approve of John Penn, Esquire, the Nephew of the said Thomas Penn, & eldest Son of the Said Richard Penn, to be Deputy Governor of the said Province & Counties under the provisoes & Conditions therein mentioned; *And Whereas*, the said Thomas Penn & Richard Penn have this day represented to His Majesty at this Board, that they have nominated the said John Penn to be Deputy or Lieutenant Governor of the said Province & Counties, from the first of December next, when his present Commission expires, until the first of December, 1769, & therefore prayed His Majesty's Gracious allowance & approbation of the said John Penn, to be Deputy or Lieutenant Governor of the said Province & Counties. His Majesty, taking the same into Consideration, is hereby pleased to approve of the Said John Penn to be Deputy Governor of Pennsylvania, for & during the aforementioned Term of three years, to commence from the first day of December next, & of the Said three Counties of New Castle, Kent, & Sussex, during His Majesty's Royal Will and pleasure only; *Provided*, the said Thomas Penn & Richard Penn do make a Declaration in such manner as hath been formerly made relating to His Majesty's Right to the said three Counties; & that the Said John Penn do give the usual Security for his observing the acts of Trade and Navigation, as in the like Cases, & qualify himself for that Trust, as by Law required; And in regard the Said John Penn is at present in Pennsylvania, in the Execution of his Office of Governor of the said Province, His Majesty is, therefore, hereby pleased to Order that the said John Penn do give the Security above proposed, & Likewise Qualify himself for that Trust, before the Governor or Commander-in-Chief of His Majesty's Province of New York, for the Time being, or any other of His Majesty's Governors in the neighboring Provinces; And His Majesty doth hereby further Order, that the Lords Commissioners for Trade & Plantations, do prepare & lay before His Majesty, at this Board, a Draught of such Instructions as have been usually given by His Majesty to the said Proprietaries on the like Occasions.

"W. BLAIR."

"At the Court at St. James's, the 8th of August, 1766.

PRESENT:

"THE KING'S MOST EXCELLENT MAJESTY.

"Lord President,	Duke of Grafton,
"Lord Privy Seal,	Earl of Hertford,
"Earl of Hillsborough,	Viscount Falmouth,
"Earl of Shelburne,	Mr. Secretary Conway.

"WHEREAS, His Majesty hath been this Day pleased to approve of John Penn, Esquire, to be Deputy Governor of the Province of Pennsylvania for & during the Term of three Years, to commence from the first day of December next, & of the three Counties of New Castle, Kent, & Sussex, on Delaware, in America, during his Majesty's Pleasure only; *And Whereas*, the said John Penn is at this Time in the said Province of Pennsylvania, His Majesty is, therefore, hereby pleased to Order that the Governor or Commander-in-Chief of His Majesty's Province of New York for the time being, or any other of His Majesty's Governors in the neighbouring Provinces, do administer the Oaths required by Law to be taken by the Said John Penn upon this Occasion, & the usual Oath of Office, & likewise, do take in His Majesty's Name, Sufficient Security, in the Penalty of two thousand Pounds Sterling, for his, the Said John Penn's observing the several Acts of Trade & Navigation, & obeying Such Instructions as shall be from time to time sent to him from His Majesty, or any acting under His Majesty's Authority, & transmit the Same to the Lord's Commissioners for Trade & Plantations, to be laid before His Majesty at this Board.

"W. BLAIR."

The Governor thereupon, further informed the Board that, as he understood Governor Sharpe was to be at Christiana Bridge on the 18 Instant, he proposed to meet him there, or at Some convenient place in the Province of Maryland, in order to be Qualified before him to his Commission, & to give the Security required for the Observance of the Acts of Trade; which measure being approved of by the Council, His Honour acquainted them he intended to set out accordingly for Maryland some time next Week.

At a Council held at Philadelphia, on Monday the 1st of Decem^{r}, 1766.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}.

Richard Peters, Benjamin Chew, } Esquires.
Richard Penn, }

The Governor acquainted the Board, that pursuant to his Majesty's Order in Council, of the 8th of August last, and their advice, he

had waited on His Excellency Horatio Sharpe, Esquire, Lieutenant Governor of Maryland, had given the usual Security, and taken and subscribed before him, at Chester Town, in that Province, the several Oaths required by law to qualify him for the Execution of his Office as Lieutenant Governor of Pennsylvania and the lower Counties; and that Mr. Sharpe promised to send him a Certificate thereof as soon as the Seal of Maryland should be affixed to the same, at Anapolis.

His Honour further acquainted the Board, that on his Return through New-Castle, he had caused his new Commission as Lieutenant Governor to be published there on Wednesday, the 26th of last m°.

It being agreed that the same Commission should also be published here this Afternoon, in the usual manner, The Governor, attended by his Council, Mayor, Recorder, and Commonalty of this City, (who had notice given them to attend on this Occasion,) and, preceded by the Sheriff and his Officers, went in Procession to the Court House, where the Commission was Read in the presence of a Concourse of People.

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Friday, 14th of December, 1766.

The Governor having this Day received from Governor Sharpe the Certificate of his Qualification to his new Commission, directed the same to be entered on the Minutes of Council, and it follows in these Words, viz^{t}:

"*Horatio Sharpe, Esquire, Lieutenant Governor and Commander-in-chief in and over the Province of Maryland.*

"*To all to whom these Presents shall come.*

"I do hereby certify and make known, that on the Day of the Date of these Presents, John Penn, Esquire, Lieutenant Governor of the Province of Pennsylvania, and Counties of New-Castle, Kent, and Sussex, on Delaware, Personally came before me, and pursuant to His Majesty's Order in Council of the 8th of August last, took and subscribed the Oaths required by Law to be taken, and the Abjuration Oath mentioned in the Act of Parliament, made in the Sixth Year of his Majesty's Reign, and also took an Oath for the faithful Execution of his Office, and for the due observance of all the Acts of Trade and Navigation heretofore passed, and now in force, relating to His Majesty's Colonies and Plantations, according to the True Intent and meaning thereof, so far as appertains unto him, the said John Penn, Esquire, as Lieutenant Governor and Commander-in-Chief of the said Province and Counties.

"And I do further Certify that the said John Penn, Esquire, hath given Bond to His Majesty, with good and sufficient Security, in the Penalty of Two Thousand Pounds Sterling, for his observing the said Several Acts of Trade and Navigation, and obeying such Instructions relating thereto, as shall be from Time to Time sent from His Majesty, or any acting under His Majesty's Authority, which Bond remains in my Hands, to be Transmitted to the Right Honourable the Lords Commissioners for Trade and Plantations, conformable to His Majesty's Royal Commands, signified in His Order in Council abovementioned.

Locus Sigilli Maryland Appens.

"In Testimony whereof, I have hereunto set my hand, and caused the Seal of the Province of Maryland to be affixed, at Anapolis, the Twenty-fourth day of November, in the Year of Our Lord One Thousand Seven Hundred and Sixty-Six, and in the Seventh Year of the Reign of Our Sovereign Lord, George the third, King of Great Britain, &c^a.

"HORATIO SHARPE."

—

January 5th, 1767.

MEMORANDUM:

The Governor lately received a Letter from The Honourable Francis Fauquiere, Esquire, Lieutenant Governor of Virginia, dated the 11th Decem^r. last, and having directed that the same should be enter'd in the minutes of Council, it follows in these Words, viz^t.:

A Letter to the Governor from the Governor of Virginia.

"WILLIAMSBURGH, Decem^r. 11th, 1766.

"Sir:

"Immediately on the Receipt of your favour of the 15th Novemr., I laid it before His Majesty's Council for their opinion, what could be done under the present Circumstances. Their advice was, that I should inform you of the Steps this Government had already taken, in order to drive off the illegal Setlers you so justly complain of from their Habitations.

"In consequence of the King's Instructions of 24th Octo^r. 1765, and in obedience thereto, I also issued a Proclamation to recall them, in which I told them they would not be protected, but exposed to the Revenge of the Indians, as will appear by the Proclamation, a Copy of which I have inclosed to you, and which is the third I have issued on this affair, but, I find with you, no Regard is paid to Proclamations, and I can expect no great good from them. But the Commander-in-Chief has taken a more effectual method to remove them, by giving Orders to an Officer and Party to summon

the Settlers on Redstone Creek, to warn them to quit these illegal Settlements, and in case of Refusal, to threaten Military Execution; a Copy of this Summons, which was sent down to me by some of the parties concerned, I have likewise inclosed to you. This, I make no doubt, was done in obedience to Orders received from England, as the measure is so conformable to the Letters, I, and I imagine you have received on the Subject.

"For my own part, I dont know what more can be done on our side, but, if you can propose any measures which you apprehend will have the desired effect, I will immediately communicate them to the Council, and, if necessary, will lay them before the Assembly, which will be sitting in March, when I make no doubt they will enable me to Cooperate with you in every thing which will be for His Majesty's Service, and the benefit of his Colonies.

"In relation to your last Paragraph, I can realy say nothing, having received not the least advice of any things being done in consequence of the enquiry and search I ordered to made after Samuel Jacobs. I will answer for it, the Persons to whom I gave that Commission have been able to obtain no Intelligence of him; at this I am not surprized, for I have found by experience, it is impossible to bring anybody to Justice for the Murder of an Indian, who takes shelter among our back Inhabitants. It is among those People, looked on as a meritorious action, and they are sure of being Protected.

"I am with great Regard, Sir,

"Your most Obed^{t}

"humble Serv^{t}

"FRAN. FAUQUIER.

"To His Excellency JOHN PENN, Esquire."

—

Wednesday the 7th January, 1767.

MEMORANDUM.

A Committee of the Assembly waited on the Governor, and acquainted him that a Quorum of the House was met, and desired to know if he had any business to lay before them; to which his Honour answered, that he had nothing as yet to recommend to them, and desired they would proceed on their usual business.

—

Wednesday the 21st January, 1767.

A Council was summoned to meet this day; but none of the members attending, excepting M^{r} Chew, the Governor shewed him a Petition he had received from Robert Tatnall, annexed to a Certifi-

cate from the Mayor, setting forth that he had apprehended Dennis Scanlan, who had committed the Robberies on the Highway in August last; and praying his Honour would be pleased to order him the Reward of Fifty Pounds, as offered in his Proclamation. This matter being considered, it was agreed to recommend the Payment of the said Reward in a Message to the Assembly. The following Message was accordingly prepared, and ordered to be carried to the House to-morrow, with the said Petition and Certificate.

A Message from the Governor to the Assembly.

"Gentlemen,

"Several Burglaries and High-way Robberies having been committed in and near the City of Philadelphia, in the month of August last, I thought it my duty to the Publick, to take the most speedy & vigorous Measures to put a Stop to them, and bring the Offenders to Punishment. In consequence thereof, on the 15th of August last, I published a Proclamation, with the advice of Council, offering a Reward of Fifty Pounds, to any person, or persons, who would apprehend all or any of the perpetrators of the said Crimes, or their Accomplices. I am also to inform You, that soon after one Dennis Scanlan, who was suspected of having committed the Robberies on the Highway, was apprehended by Robert Tatnal, and has since been tried, convicted and Executed.

"As motives of Public Good were the sole Inducements wch led me to issue the Proclamation, I cannot in the least doubt, but you will enable me to fulfil my Engagements, and pay the said Tatnal the Reward above mentioned.

"JOHN PENN.

"January 22d, 1767."

The Letter from the Earl of Shelburne, dated the 13th Septemr last, and also that from the Lord's Commissioners for Trade and Plantations, of the 1st of August, were again taken into Consideration, and the following Letters were prepared in answer thereto, and ordered to be forwarded by the first opportunity:

A Letter to the Right Hon'ble. the Earl of Shelburne, from the Governor.

"PHILADELPHIA, January 21st, 1767.

"My Lord:

"I have had the honour to receive your Lordship's Letter of the 13th September last, signifying his Majesty's Orders relative to the murders committed on some of the Indians whose Tribes are at Peace with his Majesty's Colonies, and to the Settlements made on their Lands, contrary to the Royal Proclamation of 1763.

"I beg leave to assure your Lordship that I am truly sensible of the great Injustice of these Violences on the Persons and rights of

the Indians under his Majesty's protection, as well as as the very pernicious Effects they are productive of; and it would give me the greatest satisfaction to be able entirely to put a stop to such Evils in this Province. The murders of Indians are generally committed by Vagrant Persons, beyond the settled parts of the Country, and it is very difficult, at such a distance, to detect the authors of them, especially, as few of the back Inhabitants who still harbour Resentments against the Indians, will make any discoveries of such Villanies, if they are even witnesses to them; all means, however, within my Power, have been and shall be exerted upon every such Occasion, to apprehend the Offenders, and bring them to Punishment; since the happy Establishment of Peace with the Indians, there have been instances of only two murders committed on them within this Province; one of them happened in January last, between the Forts Cumberland and Bedford; Upon receiving information of this, and that the Person suspected to have perpetrated it, was fled into the back parts of Virginia, or Maryland, I immediately dispatched an Account of the matter to the Governors of those Provinces, and sent them Copies of the Informer's Deposition, with a description of the Suspected Villain, and requested they would cause strict search to be made for him throughout their Governments; but I am sorry to say that they have not yet been able to obtain the least intelligence of him. Mr. Fauquier writes me that he is not surprized at this, having found it, by experience, impossible to bring any body to Justice for the murder of an Indian who takes shelter among the back Inhabitants, for by those People it is looked on as a meritorious Action, and such Villains are sure of being protected and concealed.

"The Murder of the other Indian was committed in November, 1765, on the northern Frontiers of this Province, and the Person suspected was apprehended and brought to a legal trial, to which Several Indians of the same Tribe were invited, that they may be convinced of our Sincere disposition to do them the Strictest Justice; but, though I am informed the Evidence was sufficient to have Convicted the Prisoner, nevertheless, the Jury acquitted him, contrary to the expectation of the Judges.

"In relation to the removal of the People who have made illegal Settlements on Lands Westward of the Alleghany mountains, I sometime ago received his Majesty's Instructions of the 24th Octo^r^ 1765, and in Consequence thereof, issued a Proclamation, publishing the King's Royal Orders for the immediate Evacuation of those Settlements, and requiring, in his majestie's Name, the Strictest Obedience thereto; but, as I feared no proper Respect would be paid to any Injunctions of that kind by a People who had the hardiness to Settle in a Country of Savages, and lay themselves continually exposed to their Fury and Resentment, I thought some further measures ought to be pursued. I considered that, as the Boundary Line between Virginia and Pennsylvania, near their Western lim-

its, where their Settlements are chiefly made, has not, as yet, been ascertained, The Settlers would no doubt shelter themselves under a disputed Jurisdiction, and it might be very difficult, if not impossible, to Execute his Majesty's Commands, unless both Governments should concur in one and the same measures. I therefore applied to the Governor of Virginia to Co-operate with me on this occasion, in taking such other Steps as should be judged most expedient, and acquainted him that if a military Force should be found requisite, the Commander-in-Chief would furnish the necessary Aid.

"In answer to this Application to Virginia, Governor Fauquire informs me that he had also, in Obedience to his Majesty's Instructions, issued Proclamations to Recall the People from their Settlements, which they had not paid the least Regard to; But that the Commander-in-Chief had already taken a more effectual Method to drive them away, by giving orders to an Officer with a Party of the King's Troops, to summon the Setlers on Red Stone Creek, the Monongahela, & other parts to the Westward of the Alleghany Mountains, to warn them to abandon their illegal Settlements; and, in case of Refusal, to threaten military Execution. This Summons was sent them in June last, and, I am informed, it had some immediate effect, as several Families then quitted their Habitations and came into the interior parts of the Country; but it is thought that some of the same People have since returned to their former settlements.

"I confess myself at a loss to know what further expedient is practicable by the Civil Power to compel these lawless People to Obedience; but we are in hopes the exertion of a Military Force, which the Commander-in-Chief has thought necessary to apply on this occasion, will bring them to a just sense of their Duty; and his Majesty may be assured that every possible measure shall be taken on my part, to put a stop to this dangerous practice, tho' I have great reason to believe that few or none of these Setlers went from this Province.

"I have the honour to be, My Lord,

"Your Lordship's most Obedient Humble Servant,

"JOHN PENN.

"The Right Honourable the Earl of SHELBURNE."

A Letter from the Governor to the Lords Commissioners for Trade and Plantations.

"PHILADELPHIA, January 21st, 1767.

"My Lords:

"I had the honour to receive from your Lordships a Letter of the 1st of August, in November last, desiring me to transmit to you an Account of the Manufactories set up & carried on in this Colony, since the Year 1734; and having since endeavoured to inform myself on this Subject, I am now to acquaint your Lordships that I

cannot find the least publick Encouragements have ever been given to the Establishment of any manufactory within this Province, nor do I know of any actually carrying on at this time, except two. One of them was set up about three years ago in this City, by private Subscriptions, for the making of Sail Cloth, Ticking, and Linnens; but the Persons concerned have already sunk money by their Project, for the high Price of Labour will not allow any of the Articles to be made at so cheap a rate as those of the same Quality & Goodness, manufactured in England, are sold for by the Retailers here; they have, therefore, lately resolved to discontinue that undertaking. The other is a Glass manufactory, which was erected about four Years ago in Lancaster County, Seventy miles from this City, by a private Person; it is still carried on, tho' to a very inconsiderable Extent, there being no other Vent for their Ware, which is of a very ordinary Quality, but to supply the small demands of the Villages and Farmers in the adjacent inland Country.

"If any Manufactories should hereafter be set up within this Province, your Lordships may depend on my care to Transmit you an Account of the same, as I am made acquainted therewith.

"I have the Honour to be,

"Your Lordships' most Obed^{t} humble Servant,

"JOHN PENN.

"To the Right Honourable the Lords Commissioners for Trade and Plantations."

At a Council held at Philadelphia, on Thursday 29 Jan^{y} 1767.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}

Joseph Turner, Richard Peters, Benjamin Chew, Richard Penn, James Tilghman, } Esquires.

The Governor proposed to the Board that Mr. James Tilghman should be admitted a member of the Proprietary and Governor's Council, in the Room of William Till, Esquire, Deceased, which was unanimously agreed to by the Board, and he was qualified for such by taking & Subscribing the usual Oaths and Declarations to the Government, and also an Oath for the faithfull discharge of his duty, and then he took his seat at the Board accordingly.

The Governor laid before the Board three Bills, sent up by the Assembly for his Honour's concurrence, entituled

1. "An Act to prevent the Exportation of Bread and Flour, not Merchantable."

2. "An Act to prevent Inconveniencies arising from delays of Causes after Issue Joined."

3. "A Supplement to the Act entitled 'an Act for establishing Courts of Judicature in this Province;'" which were Read, and the Consideration of them was deferred till to-morrow.

At a Council held at Philadelphia on Friday 30th Jan^{y} 1767.

PRESENT:

The Honourable JOHN PENN, Esq^{r} Lieutenant Governor, &c.

Joseph Turner, Benjamin Chew, } Esquires.
Richard Penn, James Tilghman, }

The Board re-considered the bills laid before them Yesterday, and not coming to any Result thereon, deferred the further consideration of them till Monday.

At a Council held at Philadelphia, on Monday 2d February, 1767.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c.

Benjamin Chew, James Tilghman, } Esquires.
Richard Penn, }

The Board resumed the consideration of the Bill for preventing the Exportation of Bread and Flour, not Merchantable, and the following amendments were made and ordered to be sent down to the House with the Bill.

Amendments to the Bill entituled "An Act to prevent the Exportation of Bread and Flour not merchantable:"

"Page 13, last line, after the first Word [the] add the Words [City or].

"Page 19, Lines 4 & 5. Dele the words [Assembly shall appoint another] and insert the words [End of the next sitting of Assembly, and no longer, except he shall be re-appointed by Act of General Assembly].

"Page 24, Line 1. Before the Word [County] add the word [City].

"Page 26, Lines 7 & 8, after the Word [Pounds] dele the Words [the same].

"Same Pa., Line 13, after the Word [by] insert the Words [action of Debt].

"Pa. 27, Line Penult. Before the word [Township] insert the Words [City or].

"Pa. 30, Lines 8 & 9. Dele the Words [others are appointed by the Assembly of this Province] and instead thereof insert the

Words [the end of the next sitting of Assembly, and no longer, except He or they shall be re-appointed by act of General Assembly.

Amendment to the Rider, Line 7, Dele the Word [the] and insert the words [act of General].

The Bill for preventing the Inconveniences arising from Delays of Causes after Issue joined, was also reconsidered, and sent to the House with the following Amendments, viz^{t}:

Amendments to the Bill entituled "An Act to prevent Inconveniencies from delays of Causes after Issue Joined."

Page 2, Line 9.—after the word [Court] add the words [due notice having been given thereof in open Court the preceeding Term.]

Same Pa., Line 13.—after the word [Cause] add the words [and reasonable Terms.]

Then was Read a Bill sent up by the Assembly, entituled "An Act to regulate the Fishery in the River Schuylkill," which was approved and returned to the House without an Amendment.

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February the 3d, 1767.

The Assembly returned to the Governor, by a Committee of two Members, the Bill entituled "An Act to prevent the Exportation of Bread and Flour not merchantable," with an answer to the Governor's amendment, which is as follows, Viz^{t}:

Answer of the House to the Governor's amendments to the Bill entituled "An Act to prevent the exportation of Bread and Flour not merchantable."

Amendment 1st.—The House agree to the Governor's amendment.

2.—The House adhere to the Bill.

3.—Agreed to by the House.

4.—Agreed to by the House.

5.—Agreed to by the House.

6.—Agreed to by the House.

7.—The House adhere to the Bill.

8.—The House adhere to the Rider.

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At a Council held at Philadelphia, on Wednesday 4th Feb^{y} 1767.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Richard Peters, Benjamin Chew, Richard Penn, James Tilghman, } Esquires.

The Board having considered the Assembly's answer to the Governor's amendments to the Bread and Flour Bill, the Secretary was

directed to Return the Bill to the House, and acquaint them that the Governor adhered to his amendments.

The Bill entituled "A Supplement to the Act entituled 'an Act for establishing Courts of Judicature in this Province,"' being again read and taken into consideration, the following amendments were made thereto, and the Bill was ordered to be Returned to the Assembly with the same, viz^{t}:

"*Amendments to the Bill entituled "a Supplement to the Act entituled 'An Act for establishing Courts of Judicature in this Province.'"*

"Page 3, Line 6, instead of the word [institute] say [erect].

"Sa Pa., lines 7 & 8. Dele the words [first recited Act], and insert the Words [last mentioned Acts].

"Pages 3 & 4. Dele from the first word [and] in the 12th Line of Page 3 to the word [whereby] exclusive, in the 3d line of Page 4, and instead thereof insert as follows, viz^{t}: [it has been found impracticable for the Judges of the said Court to give their attendance, and to discharge the duties enjoined them on the Days and times limited by the said first Recited Act for holding the said Courts in the Counties of Bucks and Chester].

"Page 5, Line 3d, Dele the words [and uncommon].

"Pa. 6, Last Line. Dele the word [such].

"Pa, 7, Line 4. After the Word [do] insert as follows, Viz^{t}:

"[Provided always, that when, and as often as it shall so happen, that only one of the Justices of the Supream Court can conveniently go any of the said Circuits, it shall and may be lawfull for such one Justice to Associate with him two Persons of Ability and Integrity in each of the said Counties, to be commissionated for that Purpose by the Lieutenant Governor or Commander-in-Chief for the time being, and, together with the said two Associates, or one of them, to try the said Issues in Fact in the said respective Counties, and to do all and Singular those things which may be requisite and necessary for the compleat Execution of Justice therein, as fully and amply as all the Justices of the said Supream Court, or any two of them might or could do, were they Personally Present and Sitting as Justices in the said Courts, which said associates shall be allowed and paid by the Commissioners of the respective counties, of their County Stocks, the Sum of Twenty Shillings each, for every day they shall sit in the said Courts].

"Page 7, Line 12. After the word [by] add [confession Default].

"Pa. 10, Antepenult L. After the Word [the] insert the Words [City, Borough, or].

"Page 14, Line 2. After the Word [void] add as follows, viz^{t}: [and be it further enacted by the Authority aforesaid, that this Act shall continue and be in force for the Term of three Years, and from thence to the end of next sitting of Assembly, and no longer]."

The Governor then laid before the Board for their Consideration, Three Bills sent up by the Assembly for his Honour's Concurrence, entituled as follows, viz^{t}:

1. "An Act for the preventing Frauds and abuses in Gold and Silver Wares made and sold in this Province;" which was read and considered, and ordered to be returned with the following amendments, viz^{t}:

Amendments to the Bill entituled "An Act for the preventing Frauds and abuses in Gold and Silver Wares, &c^{a}"

"Page 12, last Line. Dele the Word [that].

"Pa. 13, pennlt & last lines. Dele the Words [the Assembly of this Province shall appoint another] and insert the words [another shall be appointed by act of General Assembly of this Province].

"Page 14, Line 5. After the second Word [of] insert the Words [any City, Borough, or County in].

2. "A Supplement to the Act entituled 'An Act for the advancement of Justice and more certain Administration thereof," which was then read, and one amendment being made thereto, was ordered to be returned to the House with the same, Viz^{t}:

"Page 3, Line 12. Dele the Words [current within this Province, by virtue of the Statute passed in the Sixth Year of Her late Majesty Queen Anne, for ascertaining the Rates of foreign Coins in the Plantations in America] and instead thereof, insert the Words [passing or in Circulation in this Province].

3. "An Act to prevent the mischiefs arising from the increase of vagabonds, and other Idle and disorderly Persons, within this Province," which was read, and being approved, was ordered to be returned by the Secretary, with a Verbal Message to the House that the Governor agreed to it.

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Thursday the 5th of February, 1767.

The five Bills mentioned in the preceding minutes, were this Morning carried down to the House of Assembly by the Secretary, with the amendments, &c^{a} according to Order.

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Saturday the 7th February, 1767.

MEMORANDUM.

This morning the Assembly sent up to the Governor, by two of the Members, the Circuit and Assay Bills, with the following answer to the Governor's Amendments, viz^{t}:

Answer to the Governor's Amendments to the Bill entituled "A Supplement to the Act entituled 'An Act for establishing Courts of Judicature in this Province.'"

"Page 3, Line 6. The House adhere to the Bill.
"Same Pa., lines 7 & 8. Agreed to by the House.
"Pages 3 & 4. Agreed to by the House.
"Page 5, line 3. Agreed to by the House.
"Page 6, last line. Agreed to by the House.
"Page 7, line 4. The House adhere to the Bill.
"Pa. 10, anti penalt line. Agreed to by the House.
"Pa. 14, Line 2d. The House adhere to the Bill.
"Pa. 7, Line 12. The House agree to this amendment, and propose to insert in the 11th Line, same Page, the Words [appear to be] instead of the Words [be found].

—

Answer to the Governor's Amendments to the Bill entituled "An Act for the preventing Frauds and Abuses in Gold and Silver Wares, &ca."

"Page 12, last Line. The House agree to the Governor's amendment.
"Page 13, Penalt & last lines. The House adhere to the Bill.
"Page 14, Line 5. The House agree to the Governor's Amendments, with the addition of the words [and for] before the word [any] in the amendment."
The House propose to the Governor's Consideration the following Clause in addition to the Bill, viz^{t}:
"*And be it further enacted by the Authority aforesaid*, that this Act shall continue and be in force for and during the Space of Four Years, and from thence to the end of the next sitting of Assembly, and no longer."

At a Council held at Philadelphia, on Tuesday 10th Feb^{y} 1767.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Richard Peters, James Tilghman, Benjamin Chew, } Esquires.

The Board took into consideration the Answers of the Assembly to the proposed amendments of the Circuit and Assay Bills, and the following replies being drawn up, were approved and ordered to be sent down to the House, with the said Bills:

Reply to the Assembly's Answer to the amendments proposed by the Governor to the Bill entituled "a Supplement to the Act entituled 'An Act for establishing Courts of Judicature in this Province.'"

"Page 3, Line 6. The Governor withdraws his Amendments.

"Page 7, Line 4. The Governor does not insist on this Amendment.

"Same Pa., Line 11. Let the words [appear to be] be inserted instead of the Words [be found], as the House proposes.

"Page 14, Line 2. The Governor adheres to his Amendment.

—

Reply to the Assembly's Answer to the Governor's Amendments to the Bill entituled "an Act for the preventing Frauds and abuses in Gold and Silver Wares, &c."

"Page 13, Penalt & last lines. The Governor adheres to his amendments.

"Page 14, Line 5. The Governor agrees to the addition of the Words [and for] before the Word [any] in his amendment.

The Governor conceives it to be unparliamentary for the House to propose Alterations or Additions to an amended Bill. However, on the present occasion he is willing to wave Forms, and to agree to the Clause propos'd in addition to the Bill.

"Then the Governor laid before the Board two Bills sent up by the Assembly this morning, for his Honour's Concurrence, entituled

1. "An Act to enable the Commissioners thereinafter named, to Settle the Accompts of the Managers, and to sue for and recover from several Persons, their Executors, Administrators, or Assigns, such Sums of money as are now due and unpaid on Account of the Lottery set up and drawn for erecting a House of Worship in the Borough of Lancaster, for the use of the Presbyterian Congregation in and about the said Borough," which was Read, and sent down to the House without an amendment.

2. "An Act to appoint certain Persons therein named Supervisors and Directors of the Road and Bridge over Hollander's Creek, leading to the West District of Greenwich Island, and to enable them to lay Such Rates and Assessments from time to time, on all Lands in the Said District accomodated by the Road and Bridge aforesaid, as may be found necessary for supporting, maintaining, and keeping the same in good Repair," which was read and considered, and Ordered to be returned to the House with the following amendment:

"Page 16, Line 8. Dele the Words [their purpose] and insert the words [the purposes aforesaid, and no other]."

Friday, 13th of February, 1767.

The Governor having Read and considered the Bill sent up by the Assembly this morning, entituled "An Act for amending the Act entituled 'a Supplement to the Act entituled An Act for regulating, pitching, paving, and cleansing the Highways, Streets, Lanes, and Allies, and for regulating, making, and amending the Water Courses and common Sewers within the inhabited and settled parts of the City of Philadelphia, and for raising money to defray the expences thereof,'" Ordered the Secretary to return the same to the House without an amendment.

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Eodem Die.

Two Members of Assembly again brought up to the Governor the Supplementary Bill for establishing Courts of Judicature in this Province, with a Message from the House, in the following Words, viz^{t}:

A Message to the Governor from the Assembly.

"May it please your Honour:

"The House taking again into their consideration your Amendments to the Bill entituled 'a Supplement to the Act entituled 'An Act for the establishing Courts of Judicature within this Province,'" with their Answer to those Amendments, and your Reply, are extremely concerned to find, that unless your Honour will think proper to Recede from your last proposed amendment, confining the limitation of the Act to three Years only, the good People of this Colony must labour still longer under the most oppressive Delays and Obstructions in obtaining Justice, which are daily increasing.

"This Bill the House offered to your Honour, not only at the repeated and pressing Sollicitations of a great number of the reputable Freemen of the Province, but from a full Conviction that it is absolutely necessary to a due Administration of Justice, and you cannot, we apprehend, be insensible, that by the Act for establishing Courts of Judicature, the Judges of the Supream Court do not hold themselves obliged to Ride the Circuit, into the distant Counties, from whence many Causes are daily Removed, and that the Days for holding the Courts in Philadelphia, and going into Chester and Bucks, are thereby so inconveniently appointed, that it is impracticable for them to discharge their Duty, even in those Counties; And you will also be pleased to consider, that Jurors summoned for the Trial of Causes removed from the neighbouring and distant Counties into the Supream Court, refuse to give their attendance, occasioned by the want of a Law to compel them; whereby Justice

has been frequently long delayed, and often totally obstructed. Besides, would Jurors give due attendance when Summoned, yet, to oblige them, with the Plaintiffs and Defendant, and their Witnesses, to attend from those Counties; the Trial of their Causes at Philadelphia, is unreasonable, and must continue to be, as it long has been, a Burthen and Expence, which renders it more eligible for Suitors, in many Instances, to give up their Right, than to prosecute them on grievous Terms.

The Act to which this Bill is intended as a Supplement, is a perpetual Law, and such we conceive all Statutes where the due Administration of Justice is concerned ought to be. Justice is the natural Right of every man, and in our mother Country, is confined to the Subject, on Principles the most permanent and durable; and indeed, that Government must be extremely defective, where it is either temporary, precarious, or dependant on the Will and Pleasure of either Branch of the Legislature, and should it happen, as it has more than once, that the Province should be Governed by a President of the Council, who by our Constitution is not Invested with the Powers of Legislation, and the Law should expire, the People must suffer all the mischiefs they now experience, without a Possibility of a Remedy. These Reasons induced the House to make the Supplementary Bill also Perpetual, by no means suspecting at the Time, that you could have the least objection thereto, nor are they yet so happy as even to guess at the motives to this amendment.

It being therefore the unanimous opinion of the House, that the Bill ought to be perpetual, and that these, with many other Inconveniences, may attend a temporary Duration of it, they once more earnestly request your Honour would withdraw your Amendment, and pass the Bill, which is so absolutely necessary to the ease and happiness of the Province; that without it, the People must be left in a manner destitute of the means of Justice.

Signed by Order of the House.

JOSEPH GALLOWAY, Speaker.

February 12th, 1767.

At a Council held at Philadelphia, on Monday the 16 February, 1767.

PRESENT:

The Honourable John Penn, Esquire, Lieutenant Governor, &c[a].

Richard Peters,
Benjamin Chew,
James Tilghman,
} Esquires.

The Assembly's Message of the 12th Instant was Read, and the following Answer thereto having been drawn up, was consid-

ered and approved by the Board, and ordered to be carried to the House with the Circuit Bill to-morrow, viz^{t}:

A Message from the Governor to the Assembly.

"Gentlemen:

"As I have long been sensible of the many disadvantages the People of this Province have laboured under, in being obliged, as Suitors, Jury-Men, and Witnesses, to attend the Supream Court in this City from the distant Counties, it gave me Pleasure to find, by the Bill sent up from your House, that you were inclined to relieve them from so great an Evil.

"Heartily disposed, therefore, to concur with you on every Measure which appeared to me conducive to the Ease and Happiness of the People, I took the Bill into consideration, and though, on the perusal of it, I was doubtful whether, as it was framed, it would fully answer the good ends proposed, I was willing that the Utility, or Inexpediency of it, should be proved by Experience, that great Test of human Wisdom; with which view, I proposed to limit the continuance of the Bill to a certain Number of Years, and thence to the end of the next sitting of Assembly, and made the Amendment accordingly.

This amendment is now the only one which retards the Bill, and I am sorry to find by your Message, that you seem determined to lose a Bill which you yourselves contend is so very useful, unless I recede from it.

"After what I have said, it will be needless to take notice of such parts of your Message as have a tendency to prove that a Circuit Law is necessary; I shall, therefore, confine myself to your Reasons against the Amendment, which to me are by no means Satisfactory.

"You are pleased to observe 'that the Act to which this is a Supplement is a perpetual Law; & that such all Statutes where the due Administration of Justice is concerned, ought to be.' You cannot certainly mean, Gentlemen, to set up this as an invariable Rule. If you do, a little Reflection and Inquiry will furnish you with many instances, both in the Mother Country and the Colonies, of Temporary Laws, in which the due Administration of Justice hath been concerned. It is not uncommon that Laws framed by the ablest and best Men, and for purposes the most useful, are found defective in the Execution of them; It is, therefore, in my Opinion, neither inconsistant with the Dignity, nor unbecoming the Wisdom of a Legislature, to make trial of such Laws for a Time, that if they should be approved by Practice, they may then be made permanent, as, on the contrary, if they should in any part be found inconvenient or inadequate, better may be framed in their Stead. That Justice is the Right of every Man will not be de-

nied, but it does not, therefore, follow, that all Laws which regard the mode of administering it, ought to be perpetual.

"The only inconvenience of the Bills being made Temporary, which you have thought proper to point out, is, 'that it may expire when the Province may be governed by a President of the Council, who, by our Constitution, is not invested with the power of Legislation, in which case, the People must suffer all the mischiefs they now Experience, without any possibility of a Remedy.' This Objection, if it has any weight, militates equally against all Temporary Laws, and it should seem strange that the discovery was never made before, tho' a great Number of such Laws have been passed since the first Settlement of this Province. However, Gentlemen, as a further Proof of my earnest desire that the People may have a Trial of the Law, I will concur with you even in guarding against this possible mischief, by a Provision in the Bill to extend its duration till there shall be a compleat Legislative power in the Government, which I conceive will fully obviate this objection.

"Upon the whole, Gentlemen, I am, on the most mature deliberation, convinced of the Propriety and expediency of the amendment in Question. If you agree to the Bill as it stands amended, the People will, during the continuance of it at least, be relieved from those oppressive delays and obstructions under which you say they have long laboured in obtaining Justice. Should the Act, at its expiration, be found fully to Answer all the good purposes proposed, there can be no Reason to doubt the Renewal of it; and why you should deny the people a temporary Redress of their Grievance, because I cannot for the Reasons I have given, join with you in making the Bill perpetual in the first instance, I must confess, appears to me not a little strange. I hope, therefore, you will take the matter again into your most serious Consideration, and Accede to the Amendment, without which, I can by no means agree to pass the Bill.

"JOHN PENN."

"February the 17th, 1767."

The Governor then laid before the Board a Bill sent up on Saturday last, for his Honour's Concurrence, entituled "An Act to amend the Act entituled 'An Act to prevent the Exportation of Bread and Flour not merchantable,'" which was read, and ordered to be returned to the House without an Amendment.

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Wednesday the 13th February, 1767.

MEMORANDUM.

The Governor's Message of Yesterday, with the Circuit Bill, and the Bill for preventing the Exportation of Bread and Flour not Merchantable, were carried into the House this morning.

At a Council held at Philadelphia, on Thursday 19 Febr 1767.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a^

Richard Peters, Benjamin Chew, Esquires.

The Governor laid before the Board four Bills, sent up by the Assembly for his Honour's Concurrence, entituled

1. "An Act for amending the Act entituled 'An Act for the better employment, Relief, and support of the Poor within the City of Philadelphia, the District of Southwark, the Townships of Passyunk, and the Northern Liberties,'" which was Read and considered, and ordered to be returned to the House with the following Amendments, Viz^t^:

Amendments to the Bill entituled "An Act for amending the Act entituled 'An Act for the better Employment, Relief, and support of the Poor, &ca.'"

"Page 1, line 14, after the word [part] insert the Word [therof].

"Same Page, line 15, Instead of the Word [part] say [the Rest].

"Page 2, line 8, Instead of the word [besides] say [above].

"Page 7, line 2, Instead of [Difficiency] say [Defieney].

"Same Pa., line 4, Dele the words [the Overseers of the Poor].

"Same Pa., line 7, after the Word [Liberties] insert the words [by the same Persons and under the same Penalties].

"Page 8, Line 5, Instead of [difficieney] say [defieney].

"Same Pa. & line, after the word [be] insert the words [laid, assessed and].

"Page 9, line 6, 7, 8, 9, Dele the words [of the managers aforesaid, or any Overseers of the Poor of the said City, District, or Township, to apprehend and convey before any].

"Same Pa., line, After the word [aforesaid] insert the words [to apprehend, and upon due Examination and proof, commit to the said House of Employment].

"Same Pa., line 13, Instead of the word [and] say [or].

"Same Pa., Dele from the word [Livelihood] in the 16th line, to the word [there] exclusive in the last Line.

2. "An Act for the Relief of Thomas Reily and John Whitpane, Lanquishing Prisoners in the Gaol of Philadelphia, with respect to the imprisonment of their Persons," which was read and Ordered to be returned to the House without an Amendment.

3. "An Act for appointing Wardens for the Port of Philadelphia, for the better regulating Pilots plying in the River and Bay of Delaware, and the price of Pilotage to and from the said Port."

4. "An Act to amend the Act, entituled 'An Act to prevent the Exportation of bad and unmerchantable Staves, Heading, Boards and Timber.'"

The two Bills last mentioned were Read, and the consideration of them deferred.

A Petition from the Wardens of the Port of Philadelphia, presented to the Governour this Morning, was read, and follows in these Words, viz^{t}:

"*To the Honourable JOHN PENN, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of New Castle, Kent, and Sussex, on Delaware.*

"*The Petition of the Wardens of the Port of Philadelphia, Humbly Sheweth,*

"That your Petitioners are informed, a Bill is now before your Honour, sent up from the House of Assembly for your Assent, to enact the same into a Law, for Regulating Pilots Plying in the Bay and River Delaware, and appointing Wardens for this Port, Wherein your Petitioners are named for the said Office; and as your Petitioners are informed, that many Circumstances in the said Bill would prove peculiarly hard to the said Wardens, as well as generally injurious to the Commercial Interest of this Province, Your Petitioners do therefore Humbly Pray, That Your Honour would be pleased to direct a Copy of the said Bill to be made out, and delivered to your Petitioners, in order that they may not only consider the same themselves, but take the Sense of the Merchants of this City thereupon, and communicate their Sentiments to your Honour, in Order to prevent the said Bills being passed into a Law, unless such alterations are made therein as they may be able to convince your Honour are necessary and just, for which purpose your Petitioners likewise pray your Honour to detain the said Bill a reasonable time, and your Petitioners, as in duty bound, shall ever pray.

"PETER REEVE,
"MICHAEL HULINGS,
"JOHN NIXON,
"ABEL JAMES,
"ROBERT MORRIS,
"THOMAS PENROSE.

"Philadelphia, 18th February, 1767."

The said Petition being considered, the Secretary was ordered to furnish the Wardens with a Copy of the Bill therein Requested.

Then was presented to the Governor, and read, the Petition and Representation of Sundry Merchants and Traders of the City of Philadelphia, setting forth, That They are informed a Bill has been sent up to the Governor by the Assembly, entituled "An Act to amend the Act entituled 'An Act to prevent the Exportation of bad and unmerchantable Staves, Heading, Boards and Timber,'" in which it is proposed to be enacted, that *all* Lumber intended for Exportation, shall be inspected within Forty Eight Hours before the actual Lading thereof; that if the

said Bill should be passed in its present Form, the Clause referred to, would greatly embarrass the Petitioners in regard to the Shipping of Lumber, and in many Cases render it very difficult, if not impracticable, to comply with the Law. That they apprehend it would fully answer the good Intent of the Legislature, and relieve your Petitioners, if it should be provided, that on the Sale and delivery of any Lumber for Exportation, as well out of a Yard as out of the River Shallops and Boats, the Inspector, or one of his Deputies, should be called upon to examine the same; notwithstanding any former Inspectors thereof, and therefore, Praying the Governor to take the Premises into Consideration, and give them such Relief as to him shall seem meet.

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Friday, 20th February, 1767, A. M.

Two Members of the Assembly waited on the Governor and presented him for his Honour's Concurrence, a Bill entituled "An Act to enable the Owners and Possessors of the Moyamensing Meadows, in the County of Philadelphia, to keep the Banks, Dams, Sluices, and Flood Gates in Repair, and to raise a Fund to defray the Expences thereof."

They at the same time acquainted the Governor that the House proposed to adjourn this Week, and desired his Honour would be pleased to let them know his Result on the two Bills under his Consideration; to which the Governor made Answer that he should Send them a Message concerning them, in the Afternoon.

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Eodem die, P. M.

The Governor sent to the House a Verbal Message by the Secretary, in the following words, Viz^{t}:

"Sir:

"The Governor orders me to acquaint the House that he has received a Petition from the Wardens of the Port of Philadelphia, Setting forth that they conceive the Bill entituled "An Act for appointing Wardens for the Port of Philadelphia, for the better regulating Pilots plying in the River and Bay of Delaware, &c^{a}," sent up by the House for his Honour's Concurrence, will impose peculiar Hardships on them, and be injurious to the Commercial Interests of the Province, and therefore, pray he will give them time to be heard on that Bill, and lay their Objections before him for his Consideration; and that Sundry reputable merchants of this City have also preferred a Petition to him of the Same Nature, against the Bill entituled "An Act to amend the Act entituled 'An

Act to prevent the Exportation of bad and unmerchantable Staves, &c^a,' " which, as the House have signified their Intention of Adjourning this Week, may render it necessary for the Publick Interest to keep the said Bills under his Advisement 'till the next Sessions."

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Eodem die.

Two Members of Assembly waited on the Governor and acquainted him that the House desired his Honour would be pleased to acquaint them when they should attend him for passing the several Bills which were agreed to, and to appoint some members of Council to join two members of the House in comparing them with the engrossed Copies. The Governor made answer, that he would be in the Council Chamber at half an Hour after twelve to-morrow, in order to pass the Bills, and should, in the meantime, appoint a member of the Council and the Secretary for collating them.

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Saturday the 21st of February, 1767.

The Secretary, by the Governor's directions, carried down to the House the Bill entituled "An Act to enable the Owners and Possessors of the Moyamensing Meadows, in the County of Philadelphia, to keep the Banks, Dams, Sluices, and Flood Gates in Repair, &c^a," and acquainted them that his Honour agreed to pass it.

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Council Chamber—Eodem Die, 12½ O'Clock.

The several Ingrossed Bills being compared with their Originals, and found to agree, The Governor sent the Secretary to the House with a Message requiring their Attendance in the Council Chamber. The whole House attending accordingly, the Speaker presented to the Governor the following Bills, which his Honour was pleased to enact into Laws, and issued a Warrant for affixing the Great Seal thereto, viz^t:

1. "An Act to enable the Owners and Possessors of the Moyamensing meadows in the County of Philadelphia, to keep the Banks, Dams, Sluices and Flood Gates in Repair, and to raise a Fund to defray the Expences thereof."

2. "An Act to amend an Act entituled 'An Act to prevent the the Exportation of Bread and Flour not Merchantable.'"

3. "A Supplement to an Act entituled 'An Act for the advancement of Justice, and the more certain Administration thereof.'"

4. "An Act to regulate the Fishery in the River Schuylkill."

5. "An Act to appoint certain Persons therein named to Supervisors and directors of the Road and Bridge over Hollander's Creek, leading to the West district of Greenwich Island, and to enable them to lay such Rates and Assessments, from time to time, on all Lands in the said district accomodated by the Road and Bridge aforesaid, as may be found necessary for supporting and maintaining the same in good Repair."

6. "An Act for amending the Act entituled 'An Act for the better employment, Relief, and support of the Poor within the City of Philadelphia, the District of Southwark, and the Townships of Moyamensing and Passyunk, and the Northern Liberties.'"

7. "An Act for amending the Act entituled 'a Supplement to the Act entituled 'a supplement to the Act entituled 'An Act for regulating, pitching, paving, and cleansing the Highways, Streets, Lanes, and Alleys, and for regulating, making, and amending the Water Courses and common Sewers in the established and settled parts of the City of Philadelphia, and for raising money to defray the Expences thereof.'"

8. "An Act to prevent the mischiefs arising from the increase of Vagabonds and other disorderly Persons within the Province."

9. "An Act to enable the Commissioners therein named to settle the Accompts of the managers, and to sue for and recover from several Persons, their Executors, Administrators and Assigns, such sums of money as are now due and unpaid, on account of the Lottery set up and drawn, for erecting a house of Worship in the Borough of Lancaster, for the Use of the Presbyterian Congregation in and about the said Borough."

10. "An Act to prevent inconveniencies arising from delays of Causes after Issue joyned."

11. "An Act for the relief of Thomas Reily and John Whitpane, languishing Prisoners in the Gaol of Philadelphia, with respect to the Imprisonment of their Persons."

Eodem Die, 2 o'clock, P. M.

Two Members of Assembly waited on the Governor, and delivered him the following Message from the House, viz^{t}:

A Message to the Governor from the Assembly.

"May it please your Honour:

"However 'sensible' your Honour may 'be of the many disadvantages the People of this Province have laboured under, in being obliged, as Suitors, Jury men, and Witnesses, to attend the

Supream Court in this City from the adjacent Counties,' we are Sorry to find you have rejected a Bill, in every respect calculated to remove those *very disadvantages*, unless we will agree to adopt your proposed amendment, which, we conceive, must be productive of great mischiefs to the People we represent.

"You are pleased to say, that 'on Perusal of the Bill, you were doubtful whether, as it was framed, it would fully answer the good ends proposed, and was willing that the Utility or Inexpediency of it should be proved by Experience.'

"On this we beg leave to remark, that had your Honour doubted of the Utility or Inexpediency of the Bill, as it was framed, it would, in our Opinion, have been more Parliamentary to have proposed such Amendments to the House as would render those two important Objects evident, than to leave them to be proved by Experience. For you must allow, should it be found neither *useful* or *expedient*, it might, in the execution, be attended not only with an unnecessary Expence to the Province, but inconvenience to the People, both which it is our Duty to avoid. But instead of this you have contented yourself with only mentioning those doubts, without assigning the least Reason for them, or pointing out the defects in the Bill, save in one Instance, relating to the number of Judges, from which you have since thought proper to recede.

"Had you condescended to have done this, and had your Reasons been justly founded, the Bill might, and would have been amended, and the Publick served. And, as we cannot presume your Honour could expect that we Should know your Objections without the least intimation of them, there seems Cause to Suspect that the Task was too arduous. The Bill was formed on the Plan of Magna Charta, and other Statutes for establishing the Nisi Prius Courts in our Mother Country, and the terms in which it is conceived, are the very Same in this respect as the Law to which it was intended a Supplement, passed by one of your Predecessors in the Year 1721, with this difference only, that it leaves the Judges to appoint the Days for holding the Courts in the respective Counties, instead of naming them in the Bill, the only Point in which the Original Act was defective and impracticable, and which was now intended to be remedied. 'Tis true, it makes other Provisions to defray the Expences of the Judges, to limit the Value of Actions to be removed, to regulate Appeals to Great Britain, and to oblige Jurymen to give their attendance, but to these you have not made the least Objection.

"These Statutes, as well as that Law, have ever been Perpetual, and we believe, as all good Policy directs, ever will remain so, until the Constitution of our Mother State and this Government shall be dissolved. Justice there, is not, nor ever has been Temporary, but independant, and firmly established by laws, without Limitation. And why the People of this Province, from time to time, must depend on the Pleasure of any Person whatsoever, in a matter so essential to their ease and happiness, we cannot conceive.

"We did not 'mean' to assert that no 'Instances' can be found, either 'in the Mother Country, or the Colonies,' of Temporary Laws, in which the due Administration of Justice hath been concerned.

"We well know there are a few among the many Statutes made to alter the *mode* of administering Justice, and particularly among the Statutes of Jeofails, which have been enacted, not to establish Essentials, but to take away the useless Forms which were required under the common Law, some antient Statutes, and the long accustomed practice of the Courts; but we know of no Instance Similar to the one before us, which is necessary to give the Subject a perpetual Remedy where it has been made temporary.

"All the Statutes instituting the Assizes and Nisi prius, which are the Laws in point, are, and were originally made perpetual. As to the instances in the Colonies to the contrary, we must observe that their Conduct never has been a Rule for us, nor are we so vain as to imagine ours will be to them; and there can be no doubt but we shall both exercise our Judgments in the best manner we are able, for our Constituents. We are not unacquainted that there have been several temporary Laws, similar to this Bill, passed in a Neighbouring Government, nor are we Strangers to the mischiefs the People have suffered by their being so. This would render us still more inexcusable, were we to accept of the Bill on the like Terms, when we know, on trial, they have been found inconvenient and Oppressive; and yet we shall not do the Assemblies who passed them the injustice to suspect that they had not Virtue enough to endeavour to obtain them in a more Constitutional manner.

"We do not disagree with your Honour in opinion, that it is not inconsistent with the Dignity, or unbecoming the wisdom of a Legislature, to make trial of Laws for a time, but we can perceive the difference between those Laws which ought to be temporary, and those which should be perpetual.

"Laws are made temporary where the things enacted are, in in their Nature, of a limited duration, and in some Cases where the Regulations are entirely new, and unexperienced before. But the Riding of Circuits under an old established Law, the regulation under consideration, is neither novel or Temporary; it has been ordered and practiced under the great Charter of English Liberty, and sundry other perpetual Laws, for many Centuries, and in several of the Royal Governments for a number of Years, to the great ease and happiness of the Subject.

"We cannot, therefore, perceive the least Reason to make this Bill temporary, that 'The utility or Inexpediency of it should be proved by Experience.' Besides, we think it impossible that either of them can admit of a doubt, for it must appear obvious, on a little Reflection, that it will be of great 'Utility' to the People to have Justice carried, in a manner, to their own Doors; and that it is much more 'expedient' that the Judges should Ride Circuit into the Several

Counties, Some of them at a great distance from Philadelphia, than to bring Several hundred Persons from thence, at a heavy and unnecessary Expence, twice in every year, to this City.

"You are pleased to agree with us that 'Justice is the Natural Right of every man.' Would you permit the People we Represent to enjoy that 'Right' hereafter, independant of the Will and Pleasure of the Governors of this Province? it is all we ask, and all we contend for. But, you say, altho' 'Justice is the Right of every Man, yet, it does not therefore follow, that all Laws which regard the *mode* of administering it ought to be Perpetual.'

"We think it would be better and safer for the People of this Province, as it is at present circumstanced, should even those Laws, were it necessary to form such, be made perpetual; but it is happy for us, that at present we have no occasion for them. And you will be pleased to consider that the Bill you have rejected was not to Regulate a *mode*, but to establish an Essential. The mode is fully ascertained by the Act for the advancement of Justice, which invests the Judges with all the Powers of the King's Bench; and that the Bill means no more than to enable them to administer Justice in the several Counties agreeable to the *manner* of practice in that Court, by repealing the appointment of the inconvenient Days, and enjoining them to Ride the Circuit when occasion requires.

"We cannot help expressing our Surprize, that you should assert 'that the only inconveniency of the Bills being Temporary, which we have thought proper to point out, is, that it may expire when the Province may be Governed by a President of the Council,' when in truth it was the least of our Objections.

"Much pains have indeed been taken to invalidate it, while the more important one is passed over in silence; And even this is done by offering to our Consideration a new amendment of your former Amendment, proposing to extend the duration of the Act till there should be a compleat Legislative Power in the Government, which evidently proves that even this objection before stood in full force. But, on revisal of our Message, you will find that our principal Reason for making the Bill perpetual was, that, Justice ought not to be Temporary, Precarious, or dependant on the Will and Pleasure of either Branch of the Legislature.

"This objection, then, being unanswered and unnoticed by your Honour, remains with all the weight and importance it had when we first offered it.

"You are pleased further to remark, "that the first mentioned objection militates equally against all Temporary Laws, and it should seem strange that the discovery was never made before."

"It may, in some measure, militate against all such Laws, but, we contend that it does not equally; and it seems as 'strange' to us, that your Honour has not yet discovered that the Province would suffer much more by the Expiration of some temporary Laws than others, should a President of the Council preside, who has

not the power of reenacting. The Province might for a time be without the Act for erecting a Light House, &ca., or the Law for extending the Excise on Strong Liquors, with many others, without Sustaining any great inconvenience or loss, not more than before those Acts passed, or perhaps not so much, but, to have Justice cease in the several Counties, would be an oppression of a much more grievous Nature, and more sensibly felt by the People; And therefore, in our opinion, atho' the Legislature may run this Risque in the former Cases, yet, in the latter, it ought never to be done.

"Your Honour is pleased further to add, should the Act at its expiration be found fully to answer all the good Purposes proposed, there can be no Reason to doubt the renewal of it. We heartily wish that in this we could concur in opinion with you, but 'Experience' that great test of Human Wisdom, has taught us to believe the contrary; many instances may be adduced, and that not long since, of the refusal of Bills absolutely necessary even to the Safety of the Province, and what has heretofore often happened, we are not to conclude will not happen again. But if this Act may be renewed on its expiration, should it be found to answer the good ends proposed, why may it not as well be amended or repealed, should it be found inconvenient even at the next sitting of Assembly after such inconvenience shall be discovered? It will be our interest, as well as our Constituents' that this should be done. We are the Persons who are to reap the benefits of the Act, and must experience the mischiefs, should any arise, And it cannot, on any Principle of Reason, be presumed that those who suffer by a disorder will not seek a Remedy. Why, therefore, you should refuse the People a perpetual redress of this their great Grievance, because we cannot, for the reasons 'we' have given, join with you in making the Bill temporary in the first instance, we must confess, appears not a little strange only, but unreasonable and unjust.

"Before we conclude, we cannot help declaring that we esteem your refusal of this important Bill a denial of an essential Right, to which the People of this Province are entitled as English men. By magna Charta, the great Charter of English Liberty, so repeatedly confirmed, it is declared that *Justice* or *Right* shall not be *sold, denied,* or *delayed.* By the statute of Westminster, 1st, Right shall be done to *all,* without respect of Persons, and by several Subsequent Laws, Right shall not be *delayed* for any Command under the great Seal. These Priviledges, we and our Constituents claim as a Birth-right and Inheritance, and every denial of them is a Violation of our Liberties. Without this Bill, you must be sensible that *Justice* & *Right* cannot be duly administered to the People, and, in many instances, must remain not only delayed but totally denied, and were we to accede to your amendment, we cannot be certain but both must be purchased hereafter, or the People left destitute of them.

"It is expedient that on this important occasion we explain ourselves with freedom. It is impossible for this branch of the Legislature to foresee the disposition of a Governor, or whom he may be, when this Bill, had it passed agreeable to your proposed amendment, should expire, nor on what terms it might be again obtained for the People. We have seen Gentlemen in that station disposed to refuse, and who have refused, many Reasonable Regulations, But on terms the most injurious and Oppressive.

"We, therefore, as your temporary amendment has a tendency to increase the Proprietaries' Power and Influence in the Province, and to render the People, already too dependant on their Will and Pleasure, still more so, cannot so far Wave the Rights of his Majesty's faithful subjects in this Province, as to pass so necessary a Bill with a limitation which must increase that dependance, but rather choose to wait, however inconvenient it may be, till a more favourable opportunity shall present of obtaining for them that Justice which they are now most unreasonably denied.

"Signed by Order of the House,

"JOSEPH GALLOWAY, Speaker."

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Friday, 20th March, 1767.

MEMORANDUM.

The Council having been Summoned to meet this Forenoon, and none of the Members attending except Mr. Peters, his Honour acquainted him that the Justices of Sussex County had represented to him that several of their Brethren in the Magistracy were Dead, and it being expedient that others should be appointed in their room to assist the present Justices, as well as to accomodate many of the inhabitants of the County, had recommended to him John Rodney, Anderson Parker, Cornelius Turner, Parker Robinson, Boas Manlove, and John Willbanch, as men of Integrity and Ability, and well qualified for the Office of Magistrates. The matter being taken into Consideration, the Governor thought proper to issue a special Commission, assigning the above named Gentlemen Justices of the Peace and of the County Court of Common Pleas for the County of Sussex.

A special Commission was also issued this Day by the Governor appointing John Allen, Esq^r a Justice of the Peace and of the County Court of Common Pleas for the County of Philadelphia.

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Monday, 23d March, 1767.

The Speaker of the Assembly this day sent to the Provincial Secretary, a written Order to issue a Writ for the Election of a

new Member of Assembly for Chester County, which follows in these Words, viz.:

"*Pennsylvania, ss:*

"By a Resolve of this Assembly on the nineteenth Instant, I am impowered and directed to order the Provincial Secretary that he do issue a Writ to the Sheriff of the County of Chester, for the Election of a Member to serve as a Representative in this Assembly for the said County, in the room and stead of John Morton, Esquire, whose seat is become vacant. Therefore, by virtue of the said Resolve, and in pursuance of an Act of Assembly of this Province in that Case made and Provided, I do require that a Writ be issued to the Sheriff of the said County for the purpose aforesaid, according to the direction of the said Law, Dated at Philadelphia, the twentieth day of February, 1767.

"JOSEPH GALLOWAY, *Speaker.*

"To JOSEPH SHIPPEN, Jun^r, Esq^r, Provincial Secretary."

The Secretary communicated the same to the Governor, and a Writ was accordingly issued this day, directed to the Sheriff of Chester County.

At a Council held at Philadelphia, on tuesday 4th April, 1767.

PRESENT:

The Honourable JOHN PENN, Esq^r, Lieutenant Governor, &^ca

Benjamin Chew, } Esquires.
James Tilghman, }

The Governor laid before the Board, for their consideration and Advice, a Letter from his Excellency Horatio Sharpe, Esquire, Governor of Maryland, dated the 26th March last, and also a Petition from John Redick, which were read, and follows in these Words, Viz^t:

A Letter to the Governor from the Governor of Maryland.

"ANAPOLIS, the 26th March, 1767.

"Sir:

"John Reddick, the Bearer hereof, having represented to me and produced the inclosed Paper, (signed by several of the Justices of Frederick County, in this Province), to show that some of the Inhabitants of Pennsylvania have by violence dispossessed him of a tract of Land which he had many Years held peaceably under a Maryland Patent, I have told him that as the Land lies North-

ward of the dividing Line, which was run last Year, he must apply to your Government for Redress, and that I am persuaded you will, upon his waiting on you with a state of his Case, interfere so far as to prevent his being by violence kept out of Possession or deprived of his Farm, unless on a fair trial some other Person can shew a better Right to it.

"I am with great Regard, Sir,

"Your most obedient humble Servant,

"HORATIO SHARPE.

"Governor PENN."

A Petition to the Governor from John Redick.

To the Honourable John Penn, Esquire, Governor of Pennsylvania.

"The Petition of John Redick, Farmer, most humbly sheweth, That your Petitioner was possessed of part of a Tract of Land, called Carrol's delight, taken up and Patented in Maryland, under the Right Honourable Lord Baltimore, in or about the Year Seventeen hundred and thirty-five, by Charles Carrol, Esquire, of Anapolis; The Quit Rents arising due upon which Land, so long as your Petitioner has known it, have been annually paid to Lord Baltimore's Agent; That by the last Line, run as a divisional Line between the Provinces of Maryland and Pennsylvania, the same Land lies in the latter; that a certain William Patterson, with a number of his confederates, in the absence of your Petitioner, made a forcible entry into his, your Petitioners, dwelling House, standing upon the said Land; drove from thence his Children, seized upon your Petitioner's Wheat, Spelts, Indian Corn, Rye, Flax, Hogs, Sheep, &c^a^ Whereupon, your Petitioner applied to a Magistrate of Frederick County in Maryland, (apprehending, and having the strongest reason to believe, that the Magistrates in York County would not concern therein, by reason of the Divisional Line aforesaid not being finally settled,) who ordered an enquiry to be made, agreeable to the statutes in such cases of forcible entry and detainer; an Inquisition of the County and neighborhood thereupon being had, found the Entry and Detainer with force, and a Warrant was issued, directed to the Sheriff of Frederick County, to make Restitution to your Petitioner; in Obedience to which Warrant, the said Sheriff, with about thirty Men, were approaching the house aforesaid, to which, when they had got within the distance of Sixty Yards, the Deforceants, with Guns pointed, ordered them not to advance a single step at the Peril of their Lives, and the said Sheriff, esteeming it dangerous to attempt forcibly to execute the Warrant aforesaid, returned without more doing; That

your Petitioner applied to the Justices of Frederick County Court, in Maryland, for their assistance, but the said Justices apprehending their Jurisdiction did not extend beyond the Line run between the Provinces aforesaid, refused to act in the Case. Your Honour's Justice and benevolence being the only Resource now left your Petitioner, he most humbly implores your Honour to take his distressed Case into Consideration, and pursue such measures for his Relief as your Honour's Wisdom and Clemency will point out, and your Petitioner, as in duty bound, will pray.

"JOHN REDECK.

"March 26th, 1767."

The matter of the said Letter being duly weighed and considered, the following answer thereto was drawn up, approved, and sent to Governor Sharpe:

A Letter from the Governor to Governor Sharpe.

"PHILADELPHIA, April 5, 1768.

"Sir:

"I received your favour of the 26th March last, by Jn°. Redick, who appears to have been very injuriously and cruelly treated, and being sincerely disposed to assist him as well as to promote the Peace and tranquility of the two Provinces, I could wish it were in my power to afford him the Redress his wrongs so loudly demand. It appears that the Land of which he has been dispossessed was granted by Lord Baltimore in the Year 1735, and was possessed under that Grant in the Year 1738, when the Royal Order for settling the Temporary Line was made. By that Order, the Possession of Lands, tho' beyond the Temporary Limits prescribed by it, and the Jurisdiction of the respective Proprietors, were to remain as they then were, till the boundaries between the two Provinces should be finally settled. The right of Jurisdiction, therefore, depends on the determination of a previous Question, which is, whether what the Commissioners have done is a final Settlement of the Boundaries? and I confess I cannot help being of Opinion, that as things stand the matter is not yet brought to such an Issue as to make it prudent for this Government to interpose on this occasion; and I am the more confirmed in this Opinion, because the Jurisdiction on either side the Tangent Line still remains unchang'd, tho' the Boundaries have for some time been set up in that Line. Another consideration that induces me to decline any interposition in the affair is, that the Person now in Possession had the Deed under which he claims Recorded in Maryland, and has paid the Quit-Rent of the Land, even since the violence committed to the Agents of Lord Baltimore, and thereby, as I conceive, he not only hath acknowledged, but your Government hath claimed and exercised, Jurisdiction in this Case. But tho' I cannot,

for the reasons I have offered, afford the injured Person the Relief he stands in need of, you may be assured that those who have injured him shall receive all possible discountenance from this Government.

"I have the Honour to be, with great Regard, Sir,
"Your most Obedient humble Servant,
"JOHN PENN.

"To his Excellency HORATIO SHARPE, Esquire."

At a Council held at Philadelphia, on Friday 24th April, 1767.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

Richard Peters, Benjamin Chew, } Esquires.
James Tilghman,

The Governor having lately received by the Pacquet, two Letters from the Right Honourable the Earl of Shelburne, one of his Majesty's principal Secretaries of State, one dated the 11th Decem^r, 1766, the other January 13th, 1767, laid the same before the Board for their Consideration, together with the draft of two Letters in answer to them, as also an estimate of the Annual charge of Supporting the Establishment of this Province, and the List of the Fees of the different Offices which they respectively refer to.

The Council having thereupon duly considered them, and approved the said Answers, &c^a, they were ordered to be fairly Transcribed, and forwarded by the first Conveyance. The said Letters and Answers follow in these words, viz^t:

(No. 1.)

A Letter to the Governor from the Rt. Hon'ble. the Earl of Shelburne.

"WHITEHALL, December 11th, 1766

"Sir:

"I am to signify to you his Majesty's Pleasure, that you will, with as much dispatch as may be, transmit to me, for his Majesty's information, an exact Estimate of the annual Charge of maintaining and supporting the entire Establishment of his Majesty's Colony of Pennsylvania, distinguishing the different Funds, and the different Services to which those Funds are appropriated.

"You will be very particular in specifying what Funds are fixed and regular, from those which are annually granted, or which expire in a given time.

"It is also his Majesty's Pleasure that you transmit to me at the same time, a full and clear account of the manner of imposing

Quit Rents, and of levying them, as also the Mode of granting Lands in your Colony, Specifying the Amount of Arrears of Quit Rents, and the number of Grants hitherto made, and to whom; how many Acres to each, and at what time the Grants have been made.

"I am Sir, your most Obedient humble Servant,

"SHELBURNE,

"Deputy Governor of Pennsylvania."

P. S.—In your future dispatches I would recommend to you the giving every seperate Subject a seperate Letter, and the numbering of each Letter; this method will contribute much to the Order and dispatch of Business.

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(No. 2.)

A 2nd Letter to the Governor from the Earl of Shelburne.

"WHITEHALL, January 13th, 1767.

"Sir:

"By my Letter of 11th December, I signified to you his Majesty's Pleasure, that an exact Estimate of the Establishment of the Colony of Pennsylvania should be transmitted to me, for his Majesty's information; also a full and clear Account of the manner of granting Lands and imposing Quit Rents. I am now to signify to you his Majesty's further Pleasure, that you transmit to me at the same time, the established Fees of the different Offices in the Colony, particularly the Fees and other Charges attending Grants of Lands, whether legally established or received as Perquisites, which have got a Sanction by Custom, and distinguishing each.

"I am with great Truth & Regard, Sir,

"Your most Obedient humble Servant,

"SHELBURNE,

"Deputy Governor of Pennsylvania."

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(No. 1.)

A Letter from the Governor to the Earl of Shelburne.

"PHILADELPHIA, 24th April, 1767.

"My Lord,

"I have the Honour to acknowledge the Receipt of your Lordship's Letter of the 11th December last, and in obedience to his Majesty's Commands therein signified, I herewith transmit for his Majesty's Information, an Estimate of the Annual Charge of supporting the Establishment of Pennsylvania, and at the Foot thereof,

have noted such observations respecting the Funds established by Law, as will be sufficient to explain the nature of them, and the purposes for which they were created.

"In answer to the other part of your Lordship's Letter, respecting the manner of imposing Quit Rents, and granting Lands in this Colony, of which your Lordship is pleased to signify that his Majesty requires a full and clear Account, I beg leave to acquaint your Lordship that the Proprietary Quit-Rents are created by way of Reservation in the Grants of Lands to the Settlers, and they are levied by way of distress according to the Laws of England, where a distress is to be found upon the Land, and if there be no distress upon the Land, an Action of debt lies against the Grantee of the Land for the Quit-Rents. These Rents, in many parts of the Province, upon the old Grants, were so trifling, that they have been a good deal disregarded, and scarcely thought worth the trouble and Expence of Collection, and have remained so long unpaid, and the Old Rent-Rolls, of Course, in so much disorder, that it would require a very long time, and a great deal of Pains, to make an Estimate of the amount of the Arrears, if it be at all practicable.

"There is no being exact as to the number of grants; about Seven Thousand have issued since the Year 1700; and before that time there is no regular Account of any Grants by Patent. The usual mode before that time, was by Lease and Release of unlocated Quantities to be afterwards surveyed. These Deeds were not always Recorded.

"As to the Names of the Grantees, the Quantity of Land to each, and the times of the Grants, I would beg leave to represent that they cannot be given without, in a manner, copying four or five very large Folio Volumes, which contain the Registry of Grants, and which, to extract, would require a time and Expence I can scarcely imagine his Majesty is apprehensive of. However, if it be the Royal Pleasure, it must be executed.

There are two modes at present of granting Lands in Pennsylvania: 1st. Where the Lands are settled and improved upon (as is the Case in a multitude of instances), the Improver applies for a Warrant to take up a certain quantity of Land, including his improvement, and upon paying down two-thirds of the purchase money, a Warrant is made out by the Secretary of the Land Office, under the Seal of the Office, and is signed by the Commissioner of Property, who at present is the Governor. This Warrant is sent to the Surveyor General's Office, there to be Recorded, a Copy of it is sent by the Surveyor General to his Deputy in the Country, with an Order to make a Survey. When the Survey is made, a Draft of it is returned into the Surveyor General's Office, whence it is certified into the Secretary's Office, and upon payment of the remainder of the purchase money with Interest, and Arrear of Quit Rent from the time of making the improvement, the Grant is made out by the Secretary of the Land Office, under the Great Seal, signed by the Commissioner of Property.

"The other mode of granting respects uncultivated vacant Land. The Person who would take up such Land, applies to the Secetary of the Land Office, and puts in his Location, which describes the Township and County where it lies, and on whose land it bounds, if it be adjacent to any, if not, on or near what River or Creek, or other remarkable place, it is Situate, and expresses the Quantity the applier would take up. These Locations are all Numbered as they are applied for, and after being entered in their Order in a Book kept for that purpose by the Secretary of the Land Office, they are sent up in the same Order to the Surveyor General's Office, and from thence Orders are issued by the Surveyor General, still in the same Order, to his Deputies in the Country, to survey and return the Lands mentioned in the Locations. When they are surveyed, they are Returned into the Surveyor General's Office, as in Case of improved Lands, and then a Warrant issues from the Secretary's Office to the Surveyor General to accept the Survey, and certify it into the Secretary's Office, upon which, and payment of the whole purchase money, a Patent or Grant is made out by the Secretary, as mentioned above.

"I have the Honour to be, with great Respect,
"My Lord, Your Lorship's most Obedient,
"humble Servant,
"JOHN PENN.

"To the Right Honourable the Earl of Shelburne."

An Estimate of the Annual Charge of maintaining and supporting the Establishment of the Province of Pennsylvania.

Salaries usually allowed by the Assembly to Officers of Government for their Services, viz^{t} :

The Lieutenant Governor, - - - - -		1,000	
The Chief Justice of the Supream Court, - -		200	
The two other Judges of the Supream Court, each - - - - - - - -	£100	200	
The Attorney General, - - -		75	
The Clerk of the Governor's Council, -		15	
			1,490
Accompts for Public Services Annually allowed by the Assembly, viz^{t} :			
The Members of Assembly, for their attendance, from £ 600 to £ 1000 ℔ Annum - - - - - - - - -			800
Several Members of Assembly for extraordinary services - - - - - - - - - -		150	
The Agent for the Province in London, £200 St^{g} a 75 ℔ ct. - - - - - - - - - -		350	
The Clerk of the Assembly for his Services, about -		200	
Acco^{t} of Printing Laws, Votes, &c^{a}, and for Paper -		100	
Acco^{t} of Postage of Letters, about - - -		70	

The keeper of the Great Seal for affixing the Seal to Laws, &c^{a} - - - - - - - - -	15	
The Clerk of the Governor's Council, Acco^{t} of Warrants, &c^{a} - - - - - - - - -	15	
The Master of the Rolls for Recording Laws and making Exemplifications of them - - -	30	
The Barrack master of Philadelphia - - -	50	
The Barrack master of Lancaster - - - -	40	
The Clock Maker, for his care of the State House Clock, and Acco^{t} of other Services, about - -	50	
Door-keeper to the Council - - - - - -	5	
Serjeant at Arms - - - - - - - -	10	
Door-keeper to the Assembly, for his Acco^{t} of Services - - - - - - - - -	25	
	40	
		1,910
		£ 3,400

Observations respecting the Funds in Pennsylvania.

"The foregoing Charges of Government have been usually paid by Order of the Assembly, out of the Funds arising from the Interest of £ 80,000 in Bills of Credit, emitted on Loan at 5 ℔ Cent. But as that Fund, near its expiration, became diminished, and the Law establishing it required that all the Bills of Credit, emitted on Loan, should be paid in and sunk in the Year 1762, The Government Charges in the years 1760, 1761, 1762, & 1763, were defrayed out of the Money granted by Parliament to the Colonies, to Reimburse them for their Expences in the late War.

"The same Charges have accrued in the Years 1764, 1765, & 1766, but as there have been no Funds lately subsisting, sufficient to d fray them, nor any new ones created for the purpose, the Province still remains indebted for the same.

"There have been no Funds actually fixed, nor any annually granted in this Province. The Laws which have established any have ever been occasional and limited to continue a certain number of years.

"The only Funds which have been created by the late Acts of Assembly are of five kinds, and as follow, viz^{t} :

1st. "An Annual Interest of 5 p C^{t} arising on the Bills of Credit struck from time to time and emitted on Loan which interest hath been applied towards defraying the Charges of Government, and to such other uses as the Assembly directed. This Fund expired as abovementioned, in y^{e} year 1762.

2dly. "An Excise laid on Wine, Rum, Brandy and other Spirits, of 4$^{d.}$ p Gallon in the year 1756, and continued Ten Years, for Sinking Thirty Thousand Pounds emitted in Bills of Credit and granted to the King's use, now Expired.

3d. "Several Taxes of Eighteen Pence in the Pound on all Estates Real and Personal, raising about £23,000 ℔ Annum, which is applied towards sinking and destroying the Bills of Credit issued at different Times during the late War, and granted as Supplies to the King's use. These Taxes are directed by Law to be continued till the Year 1772, and as much longer as till all the Bills of Credit now Current in the Province shall be entirely sunk.

4th "A Duty laid on Negroes and mulatto Slaves imported into the Province, of £10 each, commencing in the Year 1761, to continue till the Year 1768. The money arising from this Fund is applied by Act of Assembly to the Payment of the Owners of negroe Slaves, Executed for Capital Crimes, and the Overplus towards Sinking the Sums of money heretofore granted to the King's use. This Duty has produced for the last 3 years about £650 ℔ Ann$^{m.}$

"5th. A Duty Tonnage upon all Ships and other Vessels coming into or going out of the Province, of Six Pence P. Ton, commencing the 1st of January 1765, and to continue Eight Years. This Duty produces about £970 P. Annum, and is appropriated by Law for the maintenance and Support of a Light House at the mouth of Delaware Bay, and the Buoys placed in the said Bay and River Delaware.

"Besides the above mentioned Taxes and Duties, the Inhabitants of this Colony annually pay other considerable Taxes for the support of the Poor, repairing Roads and Highways, and for the other contingent Charges accrueing within their respective Counties. The Citizens of Philadelphia also pay Taxes for the maintenance of the Poor, Support of the City Watch and lamps, & paving the streets, &c$^{a.}$

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[No. 2.]

A 2nd Letter from the Governor to the Earl of Shelburne.

"Philadelphia, 25th April, 1767.

"My Lord:

"Having lately had the Honour to receive your Lordship's Letter of the 13th January last, signifying his Majesty's Orders that I should transmit to your Lordship the established Fees of the different Offices in this Colony, particularly the Fees and other Charges attending the Grants of Lands, &c$^{a.}$ I now embrace the earliest

Opportunity of inclosing a List of the same, and have the Honour to be with great Respect,

"Your Lordship's most Obedient humble Servant,

"JOHN PENN.

"To the Right Honourable the Earl of Shelburne."

The Governor then laid before the Board Transcripts of two Records of conviction, by which it appears that at a Court of Oyer and Terminer, and general Gaol Delivery, held at new Castle, for the County of New Castle, on the 7th day of October 1766, before John Vining, Jacob Vanbebber, Richard M'William and John Clowes, Esquires, the Justices of the said Court, assigned &c^a., John Scarlet was tried and convicted of feloniously stealing a Mare, the Property of Caleb Perkins, on the 26th of May, 1765, and also of Feloniously stealing a Gelding, the property of William Shipley, the younger, on the 23d of May last, and did receive Sentence of Death for the said Crimes respectively.

The Council having considered the Case of the said John Scarlet, and that the Justices of the said Court recommended him as an Object of Mercy, advised the Governor to issue a Pardon for him, which his Honour accordingly granted.

The Governor also laid before the Board another Transcript of a Record of Conviction, whereby it appears, that at a Court of Oyer and Terminer and general Gaol delivery, held at Dover, for the County of Kent, on the 28th Day of March last, before John Vining, Esquire, and other his Associates, Justices of the said Court assigned, Rachel Francisco was tried and convicted of Felony and Murder, committed on her own Bastard Male Child, on the 7th of February last, and had received Sentence of Death for the same.

The Board took this matter into Consideration, and it appearing that the Justices of the said Court were of Opinion that there were several favourable Circumstances in the Tryal of the said Rachel Francisco, and had strongly recommended her as an Object truly worthy of Compassion and Mercy, The Governor, by the advice of the Members present, was pleased to grant the said Rachel Francisco A Reprieve for twelve Months, Provided no Orders should come from the Crown for her Execution before the Expiration of the said Term.

—

Tuesday 5th May, 1767.

MEMORANDUM.

Two Members of Assembly waited on the Governor, and acquainted him that the House were met pursuant to adjournment, and Requested to know his Honour's Result on the Stave and Pilot Bills, which had been under his consideration since the last sitting of the House, and that they were ready to receive any business he

might have to lay before them. The Governor made Answer, that the House might expect to hear from him very soon with respect to those Bills, but that he had no particular business at present to recommend to them.

At a Council held at Philadelphia, on Saturday 9th May, 1767.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c.

Richard Peters, Benjamin Chew, Richard Penn, James Tilghman, } Esquires.

The Governor laid before the Board a Bill sent up Yesterday by the Assembly for his Concurrence, entituled "An Act to amend the Act entituled 'An Act for establishing Courts of Judicature within this Province,'" which was read and ordered to be laid by for a future Consideration.

Two Members of Assembly waited on the Governor, and delivered him a Written Message from the House, in the following Words, and at the same time laid before his Honour the Petition therein Referred to:

A Message to the Governor from the Assembly.

"May it please your Honour:

"Upon Enquiry into the matters contained in this Petition herewith laid before you, we find that a Company of Conoy, Nanticoke, and Delaware Indians came last Winter into the Township of Millford, in the County of Bucks, settled on the Lands of Peter Tuck without his Permission, destroyed a valuable part of his Timber, and by their disorderly and insolent Behaviour when under the influence of Spirituous Liquors, which they found means to procure, notwithstanding the Act of Assembly to the contrary, gave great cause of uneasiness and Terror to the Inhabitants; And as it is very probable the same Indians may return next Winter, and Quarrels ensue between them and the People, which may tend to disturb the Peace now so happily established between this Government and the Natives, We beg leave to request your Honour would take such measures as you may think most effectual to secure the public Safety, by preventing the mischiefs which are likely to attend their return.

"Signed by Order of the House,
JOSEPH GALLOWAY, *Speaker.*

May 9th, 1767.

It having been several times represented to the Governor that the Inhabitants in about Fort Bedford, and in Sherman's Valley, were in great Necessity for Justices of the Peace to reside among them, and James Elliot, Bernard Dougherty, and George Robinson, being well Recommended as the most proper and best Qualified Persons in those parts of the Country to execute the duty of Magistrates, the Governor, with the advice of the Board, ordered special Commissions to be issued, appointing them Justices of the Peace and of the County Court of Common Pleas for the County of Cumberland.

At a Council held at Philadelphia, on Monday 11th May, 1767.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c.

Richard Peters, Benjamin Chew, } Esquires.
Lynford Lardner, }

The Bill entituled "An Act to prevent the Exportation of bad and unmerchantable Staves, Heading, Boards, and Timber, was considered, and the following amendment being made thereto, was Ordered to be returned to the House with the same:

"*Amendment to the Bill entituled "An Act to amend the Act entituled 'An Act to prevent the Exportation of bad and Unmerchantable Staves, Heading, Boards, and Timber.'*"

"Page 3. Dele from the word [that] in the 4th Line to the word [and] exclusive, in Line 9, and instead thereof insert as follows, viz^{t}: [if any Staves, Heading, Boards, Plank, or Timber, shall at any time after they have been inspected and examined by the proper Officer, be sold to any Person or Persons, before they are Laden or put on board any ship or Vessel for exportation, they shall, on such Sale, be again Submitted by the Vender or Seller, to the Examination of the Said Officer, or one of his Deputies, and so as often as any Sale thereof shall be made]."

The Governor having been applied to by several of the Justices of Lancaster County, some time ago, to appoint another Magistrate within the Borough of Lancaster, where only two for the County reside, and the said Gentlemen, as well as others, having Recommended James Bickham as a person of Integrity and ability, and qualified to execute that Office, the Governor, by the advice of the Council, ordered a special Commission to be issued, appointing the said James Bickham a Justice of the Peace and of the County Court of Common Pleas for the County of Lancaster.

The consideration of the Circuit and Pilot Bills was deferred till the next meeting of the Council.

The Governor laid before the Board a Transcript of a Record of Conviction, by which it appears that at a Court of Oyer and Terminer and general Gaol delivery, held at Philadelphia, for the County of Philadelphia, the 10th day of April last, before William Coleman and Alexander Stedman, Esquires, two of the Justices of the said Court assigned, &c^a Arthur McNealy was tried & convicted of the Murder of Mary McNealy, his Wife, on the 3d day of January last, and had receiv'd Sentence of Death for the same.

This matter being taken into consideration, and it appearing that some favourable circumstances attended the Case of the said Arthur McNealy, which appeared from the Evidence at his Tryal, The Governor was pleased to grant the said McNealy a Reprieve until his Majesty's Gracious Pleasure should be known, which follows in these Words, viz^t:

"[*L. S.*] *JOHN PENN, Esquire, Lieutenant Governor, and Commander-in-Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, Sussex, on Delaware.*

"*To the Sheriff of the City and County of Philadelphia, Greeting:*

"*Whereas*, Arthur McNealy, late of Philadelphia County, Labourer, at a Court of Oyer and Terminer, and general Gaol Delivery, held at Philadelphia, for the said^a County of Philadelphia the tenth day of April last, was convicted of the murder of Mary McNealy, his Wife, and did then receive Sentence of Death for the same; *And Whereas*, for divers good Reasons me thereto especially moving, I am desirous that the Execution of the said Sentence of Death should be Respited until his Majesty's gracious Pleasure be known; *Know*, therefore, that by virtue of the Letters Patent granted unto the late Proprietary and Governor in Chief of the said Province and Counties, and the powers derived to me under the same, *I do* hereby *Reprieve* the said Arthur McNealy, and do suspend the Execution of the Sentence of Death awarded against him for the Term and Space of Twelve Months from the date hereof; *Provided always*, that this present Instrument of Reprieve, and the full force and Effect thereof, shall upon due notice given, immediately cease and Terminate by, and be subject unto any Order or direction that may at any time, within the space above mentioned, come from Great Britain, to signify his Majesty's Royal Will and Pleasure relating thereto; Hereof you are to take due

notice, and to stay the said Execution accordingly, as you will answer the contrary at your Peril.

"*Given* under my hand and the Great Seal of the said Province, at Philadelphia, the twentieth day of May, in the Seventh Year of the Reign of our Sovereign Lord George the third, by the Grace of God, of Great Britain, France, and Ireland, King Defender of the Faith, &c^a. Annoque Domini, One Thousand seven hundred and Sixty-seven.

"JOHN PENN."

At a Council held at Philadelphia on Thursday, 14th May, 1767.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Benjamin Chew, Richard Penn, } Esquires,
Lynford Lardner, James Tilghman, }

The House having again sent up to the Governor the Bill for preventing the Exportation of bad and unmerchantable Staves and Heading, &c^a. with a Verbal Message that they adhere to the Bill as it stands, The Governor laid the same before the Board, who advised him to return it to the House with a Message acquainting them that he recedes from his proposed amendment.

Then the Bill for appointing Wardens for the Port of Philadelphia was reconsidered, and the following Amendments were made to it and ordered to be sent to the House with the Bill.

Amendments to the Bill entituled "An Act for appointing Wardens for the Port of Philadelphia, &ca.

"Page 18, Line 13. instead of the word [Eighty] say [Fifty.]

"Page 32, Lines 6 & 7. Dele the words [for and during the space of three Years,] and instead thereof insert the words [to the eighth day of February, which will be in the year of our Lord 1769.]"

The Assembly's Message of the 9th Instant being taken into consideration, the Secretary was ordered to deliver to the House the following Verbal Message in Answer thereto, viz^t:

"Sir:

"The Governor orders me to acquaint the House that he has considered their Message of the 9th Instant, and will take every precaution in his Power to prevent any future uneasiness and Terror to the Bucks County People, by the Indians returning to settle among them."

The Bill for amending the Act for establishing Courts of Judicature within this Province, was reconsidered, and some Amendments were proposed & ordered to be laid by with the Bill, for further consideration.

—

The 15th May, 1767, A. M.

MEMORANDUM.

The Governor sent the Secretary to the Assembly with the following Message to the House, viz^{t}:

"Sir:

"The Governor requests the House will furnish him with a list of the Certificates drawn by the Assembly, which the Notes or Bills ordered to be struck by the Bill entituled 'An Act for raising the Sum of £20,000 for the support of the Government of this Province, and payment of the Public Debts,' now under his consideration, are intended to discharge or satisfy."

—

Eodem die, P. M.

Two Members of Assembly waited on the Governor and delivered him an Account of the amount of Certificates granted by the Assembly for the discharge of the Publick Debts, agreeable to his Request of this Morning.

At a Council held at Philadelphia, on Saturday 16th May, 1767.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}

Richard Peters, Thomas Cadwallader, } Esquires.
Benjamin Chew, Richard Penn, }

The Governor laid before the Board two Bills sent up on Thursday last by the House of Assembly for his Concurrence, entituled

1. "An Act for raising the Sum of Twenty Thousand Pounds for the Support of the Government of this Province and Payment of the Publick Debts."

2. "An Act for raising, by way of Lottery, the Sum of Four Hundred and ninety nine Pounds nineteen shillings, to be applied to the Payment of the Arrears of Debts due for the building and

finishing the German Lutheran Church in Earl Township, Lancaster County, and towards Erecting and building a School House to the said Church."

Both which were Read and Considered, and there appearing to the Board no Objection to them, they were ordered to be returned with a Verbal Message to the Assembly, that the Governor agreed to pass them.

The Board then resumed the consideration of the Bill entituled "An Act for establishing Courts of Judicature, &c^a" and the following amendments thereto were agreed on and ordered to be carried to the House with the Bill:

Amendments to the Bill entituled "An Act to amend the Act for establishing Courts of Judicature within this Province."

"Page 1, Line 2. instead of the word [impracticable] say [inconvenient.]

"Page 3, Line 8. After the word [the] insert the words [Governors appointing.]

"Same Pa., Line 13. After the word [that] insert as follows, viz^t: [there shall be five Persons of known Integrity and ability Commissionated by the Governor of this Province for the time being, by several distinct Patents or Commissions, under the Great Seal of this Province, to be Judges of the Supream Court, one of whom shall be distinguished in his Commission by the Name of the Chief Justice, and every of the said Judges shall have all the Powers, Rights, Authorities, Jurisdictions, and priviledges, as are given to the Supream Judges by the above recited Act of Assembly, and that].

"Same Page, penult & last Lines. Dele the words [or any two of them].

"Page 4, Line 5. After the word [they] add [or any two of them]."

—

18th May, 1767.

MEMORANDUM.

The two following Bills, which were sent up to the Governor by the Assembly on Saturday last, were considered, and no objections appearing against them, the Governor returned them by the Secretary to the House; that he agreed to pass them into Laws:

"An Act to enable the Owners and Possessors of League-Island to keep the Banks, Dams, & Sluices, in good Repair for ever, and to raise a Fund to defray the Expences thereof."

"An Act for the Relief of Thomas Cotterell Grove, Frederick Pepler, Samuel Watts, Azariah Vaun, Thomas Mullan, Matthew Warburton, James Martin, and Thomas Lemon, Languishing Pris-

oners in the Gaol of Philadelphia, with respect to the Imprisonment of their Persons."

At a Council held at Philadelphia, on Wednesday 20th May, 1767.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

Richard Peters, Benjamin Chew, } Esquires.
Richard Penn,

The Governor laid before the Board two Bills, sent up Yesterday by the House of Assembly for his Honour's Concurrence, entituled,

"An Act to amend the Act entituled 'An Act for establishing Courts of Judicature within this Province.'"

"An Act for confirming the Estate of Philip Fox, in certain Lands mortgaged in the General Loan Office, some of the Title Deeds whereof there deposited are lost," which were Read and considered, & ordered to be immediately returned to the House, with a Message that the Governor agreed to Pass them.

—

Eodem die, 1 o'Clock, P. M.

Two Members of Assembly waited on the Governor and acquainted him that the House being inclined to adjourn this Afternoon, Requested to know when they should attend his Honour for passing the several Bills which had received his Assent, and to appoint some members of Council to assist in comparing the engrossed Bills with their Originals.

The Governor answered, that he should be ready for passing the Bills at 6 O'Clock this Afternoon, and would, in the mean time, appoint A Member of Council with the Secretary to assist in collating them.

—

Council Chamber—Eodem die, 6 O'Clock.

The several ingrossed Bills being compared with their Originals and found to agree, the Secretary, by the Governor's directions, acquainted the House that His Honour was in the Council Chamber and required their attendance, that he might enact into Laws the several Bills which had been agreed on.

The whole House attending accordingly, the Speaker presented to the Governor the following Bills, which he was pleased to enact into Laws, and issued a Warrant for affixing the Great Seal thereto, Viz^t:

1. "An Act for raising £20,000 for the Support of the Government of this Province, and Payment of the Publick Debts."

2. "An Act to amend the Act entituled 'An Act for Establishing Courts of Judicature in this Province.'"

3. "An Act for appointing Wardens for the Port of Philadelphia, and for the better regulating Pilots plying in the River and Bay of Delaware, and the price of Pilotage to and from the said Port."

4. "An Act for raising, by way of Lottery, the Sum of Four hundred and ninety-nine Pounds Nineteen Shillings, to be applied to the payment of the arrears of Debts due for the building and finishing the German Lutheran Church in Earl Township, Lancaster County, and towards erecting and building a School House to the same Church."

5. "An Act to enable the Owners and Possessors of League Island to keep the Banks, Dams, and Sluices, in good Repair for ever, and to raise a Fund to defray the Expences thereof."

6. "An Act for confirming the Estate of Philip Fox, in certain Lands Mortgaged in the general Loan Office; some of the Title Deeds whereof there deposited are lost."

7. "An Act to amend the Act entituled 'An Act to prevent the Exportation of bad and unmerchantable Staves, Heading, Boards, and Timber."

8. "An Act for the Relief of Thomas Cotterell Grove, Frederick Pepler, Samuel Watts, Azariah Vaun, Thomas Mullan, Mathew Warburton, James Martin, and Thomas Lemon, Languishing Prisoners in the Gaols of Philadelphia, Chester, and Lancaster, with Respect to the Imprisonment of their Persons."

The Speaker then, in behalf of the House, delivered to the Governor two Certificates, One for Nine Hundred Pounds, and the other for Five Hundred Pounds, which had been allowed of by the House, as being in full of the Governor's Support to this Time, for which his Honour was pleased to return them thanks.

Two Members afterwards waited on the Governor and acquainted him that the House proposed to adjourn to Monday the 14th of September next, to which his Honour had no objections.

At a Council held at Philadelphia, on Monday 14th Sep^{r} 1767.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}

Richard Peters,
Benjamin Chew,
Richard Penn,
Lynford Lardner,
Thomas Cadwallader,
} Esquires.

The Governor acquainted the Board that, as the time appointed by Law for holding the Supream Court of this Province was near

at hand, it now became necessary for him to appoint four Judges of that Court, pursuant to the late Act of Assembly entituled "An Act to amend the Act entituled 'An Act for establishing Courts of Judicature within this Province,'" and having then named to the Board several Gentlemen whom he had thought of to Execute those Offices, he desired they would consider of the most Proper Persons for that Purpose.

The Board having taken this matter into consideration, The Governor, by their advice, issued four distinct Commissions, continueing William Allen, Esquire, Chief Justice, and William Coleman, Esquire, Second Justice of the Supream Court, and appoint John Lawrence and Thomas Willing, Esquires, the other Justices of the said Court; His Honour also issued a general Commission, appointing the same Gentlemen Justices of the Court of Oyer and Terminer and General Gaol Delivery.

The Board then recommended it to the Governor to appoint Charles Jolly and James Young of Philadelphia County, and John Kidd of Bucks County, Justices of the Court of Quarter Sessions of the Peace and of the County Court of Common Pleas, for their respective Counties; and his Honour accordingly signed three special Commissions for that Purpose.

—

Tuesday 15th Septem^{r} 1767.

MEMORANDUM.

Two Members of Assembly waited on the Governor, and acquainted him that the House were met pursuant to adjournment, and were ready to receive any Business he might have to lay before them, to which his Honour was pleased to answer, that he had nothing particular to recommend to them at this time.

—

Thursday 24th September, 1767.

The Governor received a Message from the House by two Members, acquainting him they were desirous of breaking up this Week, and requesting his Honour would be pleased to let them know his Result on the Bills under his Consideration.

At a Council held at Philadelphia, on Friday 25th Septem^{r} 1767.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Richard Peters,	Richard Penn,	} Esquires.
Benjamin Chew,	James Tilghman,	}

The Governor laid before the Board four Bills, sent up by the Assembly for his Concurrence, which were Read and considered, and are entituled as follows, viz^{t}:

1st. "An Act to enable the managers of the Contributions for the Relief and employment of the Poor in the City of Philadelphia, to borrow a further Sum of Three Thousand Pounds;" which was returned to the House with one Amendment.

2nd. "An Act for Obliging the Sheriffs and Treasurers of the several Counties within this Province, and the Collector of the Duties of Tonnage, to give sufficient Sureties for the faithful Execution of their Trusts," which being approved, was returned to the House with the Governor's Assent.

3. "An Act for the support of the Government of this Province and Payment of the Publick Debts."

4. "An Act for recovering the Monies outstanding on mortgages taken by the late Trustees of the General Loan Office of this Province," which two last Bills were referred to a further Consideration.

The Governor sent a verbal Message to the House by the Secretary, desiring them to furnish him with a List of the Certificates referred to in the Bill for the Support of the Government of this Province and Payment of the Publick Debts.

Eodem die, P. M.

Two members of the House brought to the Governor a List of the Certificates referred to in the Bill for the support of Government.

Then the consideration of the Bill for the Support of Government was resumed, and the same being agreed to, was ordered to be returned with the Governor's Assent, and the following Message to the House, viz^{t}

A Message from the Governor to the Assembly.

"Gentlemen:

"I perceive by one of the Certificates sent me to Day in pursuance of my Message by the Secretary, that Mr. Goddard, without my Privity or direction, hath been employed to print the Laws passed at the last Sessions. Upon this Occasion, Gentlemen, I can-

not avoid observing that the Statutes in England are ever printed by the King's Printer, and that as the King's Representative in this Province, I have a right to direct the Printing of the Laws, or at least, that I am intitled to a Share in the Nomination of the Person appointed to that Service, and tho' I shall not at this time Object to Mr. Goddard being satisfied for Printing the Laws, yet, I think it proper to inform you, that I consent to his allowance with a Reservation of the Right of Nominating, or at least of sharing in the Nomination of the Person to be employed in that Service on any future Occasion.

"JOHN PENN.

"September 25th, 1767."

The Bill entituled "An Act for recovering Monies outstanding on Mortgages," was also reconsidered, and ordered to be returned to the House with the following Amendments, Viz^{t}:

"*Amendments to the Bill entituled "An Act for recovering the Monies outstanding on Mortgages taken by the late Trustees of the General Loan Office of this Province.*"

"Page 5, Lines 11 & 12. Dele the Words [Provincial Treasurer and his Successors], and insert [Samuel Preston Moore].

"Page 6, Lines 6 & 7. Dele the Words [Treasurer and his Successors], and insert [Samuel Preston Moore, and such other Person as in case of the Death or Removal of the said Samuel Preston Moore, shall be by Act of Assembly appointed to Succeed him in the Trust reposed in him by this Act]

"Same Pa., Lines 10 & 11. Dele the word [Treasurer] and insert [Samuel Preston Moore].

"Pa. 7, last line but one. Dele the Word [Treasurer] and insert [Samuel Preston Moore, or such other Person as shall or may be appointed to succeed him as aforesaid].

"Page 9, Line 8. Dele the Words [Treasurer and his Successors], and insert the Words [Samuel Preston Moore, and such other Persons as may be appointed to succeed him, in manner aforesaid.]

"Page 9, last line. Dele the words [Treasurer and his Successors], and insert the same Words as in the last amendment.

"Pa. 10, Lines 10 & 11. Dele the Words [Treasurer and his Successors], and insert the same Words as in the last amendment.

"Pa. 12, lines 7 & 8. Dele the Words [Treasurer and his Successors], and instead thereof insert as before.

"At the End of the Bill insert the following Paragraph, viz^{t}:.

"[*And be it further enacted by the Authority aforesaid*, that the said Samuel Preston Moore, and the Person who may succeed him as aforesaid, shall keep a distinct Account of all such Monies as He or they shall receive for Interest due on any of the Bonds or mortgages aforesaid, which Interest money shall remain in his hands,

Subject to the application and disposal of the Governor and Assembly]."

The following Message was then drawn up and approved, and the Secretary directed to deliver the same to the House, viz^{t}:

A Message from the Governor to the Assembly.

"Gentlemen:

"On the 15th of August, 1766, I publish'd a Proclamation, offering a Reward to any Person or Persons who should apprehend any or either of a Sett of Villains who had been concerned in many daring Burglaries and Robberies in and near the City of Philadelphia, so that he or they should be convicted thereof, in a due Course of Law. I am now to inform you that David Clark hath entitled himself to the said Reward, by pursueing and apprehending, and prosecuting to Conviction, David Smith, one of the Burglars. I therefore request you will make provision for the paying the said Reward, and defraying any extraordinary expences he may have been put to in bringing the Offender to Justice.

"JOHN PENN.

"September 25th, 1767."

—

Saturday 26th September, 1767.

The Secretary carried to the House the two Bills considered Yesterday Afternoon, and the Messages then agreed to.

Two Members again brought up to the Governor the Bill for recovering Monies outstanding on Mortgages, with an Answer from the House, that they agreed to all the Governor's amendments except the last, with respect to which they adhered to the Bill.

—

Eodem die, P. M.

The Governor, by the Secretary, returned to the House the Bill for recovering Monies outstanding on Mortgages, with a Message acquainting them that he adhered to his last proposed amendment, and that he would be ready at 5 o'Clock, to pass such Bills as had been agreed to.

Council Chamber, 5 o'Clock, P. M.

The Governor sent a Message to the House by the Secretary requiring their attendance in the Council Chamber, that he might pass the Bills which had received his Assent.

The House accordingly attended, and the Speaker presented to the Governor the three following Bills, which he was pleased to enact into Laws, and issued a Warrant for affixing the Great Seal to them, and appointed Mr. Tilghman and the Secretary to accompany two Members of the House to deposit them in the Rolls Office:

"An Act to enable the managers of the Contributions for the Relief and Employment of the Poor in the City of Philadelphia, to borrow a further sum of £3,000."

"An Act for obliging the Sheriffs and Treasurers of the several Counties within this Province, and the Collector of the Duties of tonnage, to give sufficient Sureties for the faithful Execution of their Trusts."

"An Act for the support of the Government of this Province and payment of the Publick Debts."

The Speaker then presented to the Governor a Certificate for £500 in full of his Support for the last Year, for which his Honour returned his thanks to the House.

Monday 28th September, 1767.

MEMORANDUM.

Mr. Charles Brockden, being rendered, by his Age and Infirmities, incapable of executing any longer the Office of Master of the Rolls for the Province, the Governor thought it proper to remove him, and was pleased to appoint William Parr, Esquire, to the said Office, in his Room, by a Commission under the Great Seal of the Province.

At a Council held at Philadelphia, on Monday 5th October, 1767.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

Benjamin Chew & James Tilghman, Esquires.

The Governor laid before the Board the Returns of Sheriffs and Coroners for the Counties of Philadelphia, Bucks, Chester, Lancaster, Berks, Northampton, New Castle, Kent, and Sussex,

which being duly considered, the following Persons were appointed and commissionated as the Sheriffs and Coroners for their respective Counties, viz^{t}:

Joseph Redman,	Sheriff,	Philadelphia County.	
Caleb Cash,	Coroner,		
John Morton,	Sheriff,	Chester	D^{o}.
John Trapnall,	Coroner,		
William Buckman,	Sheriff,	Bucks	D^{o}
William Doyle,	Coroner,		
Jasper Scull,	Sheriff,	Berks	D^{o}.
Henry Haller,	Coroner,		
James Webb, Jun^{r},	Sheriff,	Lancaster	D^{o}.
Mathias Slough,	Coroner,		
John Jennings,	Sheriff,	Northampton	D^{o}.
David Barringer,	Coroner,		
John Thomson,	Sheriff,	New Castle	D^{o}.
James Walker,	Coroner,		
James Wells,	Sheriff,	Kent	D^{o}.
Solomon Wallace,	Coroner,		
Rhoads Shankland,	Sheriff,	Sussex	D^{o}.
William Parker,	Coroner,		

The Governor then laid before the Board a Transcript of a Record of Conviction, Signed by the Clerk of the Supream Court, by which it appears that, at a Court of Oyer and Terminer and general Gaol Delivery, held at Philadelphia, for the County of Philadelphia, on the 23d day September last, before William Allen, William Coleman, John Allen, and Thomas Willing, Esquires, Justices of the Supream Court, and of the said Court of Oyer and Terminer for the Province of Pennsylvania, a certain David Smith was tried and convicted of Felony and Burglary, committed in the Dwelling House of John Stillwaggon, in the Township of the Northern Liberties, in the County of Philadelphia, on the 29th Day of July, 1766, and had received Sentence of Death for the same. The Board took the said matter into consideration, and the Justices of the said Court having reported to the Governor that no favourable Circumstances appeared in the Tryal of the said David Smith, were of opinion that the Sentence of the Court should be executed against him, and the Governor, by their advice, signed a Warrant for his Execution, on Saturday, the 17th Instant.

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Tuesday the 6th of October.

The Returns of the Sheriffs and Coroners for York and Cumberland Counties being now made, the Governor appointed and Com-

missionated the following Persons as Sheriffs and Coroners for their respective Counties, vizt:

David M'Conaughty,	Sheriff,	York	County.
John Adlam,	Coroner,		
John Holmes,	Sheriff,	Cumberland	Do.
James Jack,	Coroner,		

At a Council held in the Council Chamber on Wednesday the 15th of October, 1767.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Benjamin Chew, Richard Penn, } Esquires.
James Tilghman.

Eight Members of Assembly waited on the Governor Yesterday, and acquainted him that, pursuant to the Charter and Laws of this Province, a Quorum of the Representatives had met, and having proceeded to chuse their Speaker, desired to know when he would be pleased to Receive the House, that he might be presented for his Honour's approbation. The Governor having appointed this forenoon at 11 o'Clock for that purpose, acquainted the House by the Secretary, that he attended his appointment in the Council Chamber, and was ready to receive the House with their Speaker. The whole House then waited on the Governor, and presented Joseph Galloway, Esquire, as their Speaker, who after receiving the Governor's approbation, claimed the usual Priviledges in the name and behalf of the House, vizt:

"1st. That the better to discharge the business of the Publick, they may at all seasonable times have free access to the Governor.

"2dly. That their Persons may be protected from all Arrests and Insults during the time of Priviledge accustomed.

"3dly. That it may please the Governor to take no notice of any Report that may be made touching any matter or thing that may be moved or debated in the House, untill the same shall have passed into Resolves, nor give the least Credit to such Report.

"4thly. That his own (the Speaker's) unwilling mistakes may be excused, and not imputed to the House."

These being requested as the Rights and Priviledges of the Freemen of Pennsylvania, derived and confirmed to them by the Charter and Laws of the Province, the Governor was pleased to make Answer that he thought them inherent in a Representative Body, and he should be careful to protect the House therein.

The Governor, by the advice of the Council, issued a Warrant to Respite the Execution of the Sentence of Death against David Smith till Saturday, the 24th Instant, on which day the Sheriff is

commanded in the said Warrant to execute the said Sentence with full Effect, between the Hours of ten in the Forenoon and Four in the Afternoon.

At New Castle, Wednesday the 21st of October, 1767.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c[a].

Benjamin Chew, Esquire.

Three Members of Assembly of the Government of the lower Counties, waited on the Governor with a Message from the House, that they had met yesterday, pursuant to the Charter and Laws of the Government, had Chosen their Speaker, and desired to know when & where they might present him to his Honour for his Approbation. The Governor having answer'd them that he should be ready to receive the House immediately, at his Lodgings, They accordingly attended, and presented Mr. John Vining as their Speaker, who, after being approved by the Governor, claimed, in behalf of the House, the usual Priviledges, which were allowed, and then they withdrew.

Eodem Die, P. M.

A Message was delivered to the Governor by three Members, acquainting him that the House were duly Qualified, and desired to know if his Honour had any business to lay before them. The Governor answered that he had none.

At a Council held at New Castle, on Saturday 31st October, 1767.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c[a].

Benjamin Chew, James Tilghman, } Esquires.
Richard Penn, }

The Governor laid before the Board Seven Bills which the Assembly had sent during their sitting, for his Concurrence, entitled as follows, viz[t]:

1st. "A Supplement to An Act, entitled 'An Act for stopping Pearman's Branch, or Gravelly Run, and for Banking and Draining a parcel of Marsh and Cripple, on both sides of said Branch,

situate in Duck Creek hundred, in the County of Kent, and for keeping the Dyke, Sluices and Drains belonging to the same, in good Order & Repair."

2dly. "A Supplement to an Act for the further and better Limitation of Servants and Slaves within this Government."

3d. "A Supplement to the Act for supporting the Banks, &c., belonging to the Marshes on Red Lyon Creek."

4th "An Act to prevent Swine running at large in Salisbury Township, The Village called the Cross Roads, and parts adjacent, in Kent County."

5th. "An Act for obliging the Sheriffs within this Government to give sufficient Sureties for the faithful execution of their Trusts."

6th. "A Supplement to the Act entituled 'An Act for the Relief of the Poor."

7th. "An Act to enable the Owners and Possessors of a certain parcel of Meadow, Marsh, and Cripple, hereinafter described, situate in Christiana Hundred, in the County of New Castle, to Embank and drain the same, to make and keep the outside Banks and Drains in good repair forever, and to raise a Fund to defray the yearly expences thereon."

The said Bills were duly Read and considered by the Board, and returned to the House by the Secretary, with a few small amendments made to the four first, and a Message that his Honour agreed to three last mentioned.

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Eodem Die, P. M.

Three Members again brought up the four amended Bills, and acquainted that the House acceded to all his proposed amendments except one, which his Honour afterwards receded from, and then returned the four Bills with his Assent.

—

Eodem die, P. M.

A Committee of the Assembly waited on the Governor with a Message from the House, requesting to koow when and where he would be pleased to receive the House, in order to pass the Bills. His Honour having answered that he was ready to receive the House immediately at his Lodgings, they accordingly attended there, and the Speaker presented the Seven Bills agreed on, which the Governor enacted into Laws, signed a Warrant for affixing the Great Seal thereto, and directed the Secretary to accompany two.

members of Assembly to see them Sealed and deposited in the Rolls Office.

The Speaker then, in behalf of the House, thanked the Governor for his care and diligence in attending the Business of the Government, and delivered him Orders on the Trustees of the Loan Office for £200, for which his Honour returned the House his thankful Acknowledgements.

At a Council held at Philadelphia, on Friday 4th Decem^r 1767.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Richard Peters, Benjamin Chew, Lynford Lardner, Richard Penn, James Tilghman, } Esquires.

The Governor laid before the Board a Copy of a Record of Conviction of Catharine Kreps, for murder, at a Court of Oyer and Terminer and General Gaol Delivery, held at Reading, for the County of Berks, on the 13th day of November last, before John Lawrence and Thomas Willing, Esquires, two of the Justices of the Supream Court, and of the said Court of Oyer and Terminer, by which Record it appears that the said Catharine Kreps was legally tried and convicted of Felony and Murder, committed on her own Bastard Male Child on the 18th day of May last, and had received Sentence of Death for the same.

The Board taking this matter into Consideration, and no Circumstances having been reported to the Governor by the Justices of the said Supream Court in her favour, were of Opinion that the Sentence of the said Court should be executed. The Governor accordingly Signed a Warrant under the lesser Seal of the Province, for Her Execution on Saturday the 19th of December Instant.

At a Council held at Philadelphia, on Thursday 10th Decem^r 1767.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Govnor, &c^a.

Richard Peters, Benjamin Chew, James Tilghman, } Esquires.

The Governor laid before the Board a Letter received yesterday from His Excellency Major General Gage, dated the 7th of December Instant, which was read, and is as follows, Viz^t:

A Letter to the Governor from his Excellency Major General Gage.

"NEW YORK, Decem^r 7th, 1767.

"Sir:

"The Accounts that I have lately received from all Quarters, are full of Intelligence of the dissatisfaction of the Indians, and of their ill disposition towards us. I am now called upon, by a Letter I have received from Sir William Johnson, expressive of his apprehensions of an immediate Rupture with the Indians, unless some means are fallen upon to pacify them, to acquaint you, that altho' several Causes for their present ill temper are suggested, yet the Insults they have received from the frontier People, chiefly from those of Virginia, and the obstinacy of the People who persist to Settle on their Lands, not only without their Consent, but in contradiction to their warmest Remonstrances, and the endeavours that have been used to remove them, I perceive to be the most immediate cause of their present discontent.

"It behooves me Sir, in this Juncture, to apply to you, and the Governors of the Provinces immediately interested in this matter, to devise some effectual measures to remove these Lawless Setlers, and to obtain some Satisfaction for the ill treatment the Indians daily complain of. You are a Witness how little attention has been paid to the several Proclamations that have been published, and that even the removing these People from the Lands in Question, which was attempted this Summer by the Garrison of Fort Pitt, has been only a temporary expedient; for as they met with no Punishment, we learn they are returned again to the same Encroachments on Red Stone Creek and Cheat River, in greater numbers than ever; nor indeed could any thing effectual be expected, or due Obediance to Proclamations be exacted, if Laws are defective, or the Coercive Powers of Government are wanting. It is the *dread* that naturally follows the exemplary punishment of delinquents, that can only restrain such a Lawless Banditti. It is not for me to point out where the fault lies, but if the laws are insufficient to secure and protect the Indians in their Persons and Properties, a more effectual provision I think should be made for that purpose, and immediately too, before it is too late to prevent the Devistations, Cruelties and effusion of Blood, attendant on an Indian War, which may be experienced soon, unless active Measures are adopted for the Redress of the Grievances the Indians complain of. I can only offer the assistance of his Majesty's Troops to co-operate with you, for the effecting these desirable purposes, for the execution of which, a sufficient number of Troops shall be collected and ready to Act, whenever you shall be pleased to acquaint me that Civil Officers, properly authorized, will call upon them, to aid and assist the Civil power in the removing forcibly, and bringing to Punishment, these disturbers of the Publick Tranquility.

"The Encroachments made upon the Indian's Lands, for which they could obtain no Justice, with the daily threats of more Inva-

sions of their property, lost us the Affections of the Savages before, and was the principal Reason of their throwing themselves into the Arms of the French for protection. From hence arose the Hostilities they commenced upon us in 1754 and 1755, and the War that followed. The same Causes will have the same Effects: Wherefore, it is incumbent upon me to lay these Matters before you in the most serious manner, thinking that every means should be exerted and all endeavours used, which can tend to avert the Calamaties which threaten the Country, and to save the Lives that must be lost in a Savage War, in which neither Age nor Sex will find compassion or meet with mercy.

"I have the Honour to be with great Regard, Sir,
"Your most Obedient humble Servant,
"THOMAS GAGE."

The Council were of Opinion that the matters contained in the preceding Letter ought speedily to be taken into the most serious consideration, and the Secretary was directed to collect such Letters and Papers as the Governor had received from the Secretary of State, General Gage, and the Governor of Virginia, relative to the Removal of the Settlers on the Monongahela and other Lands not yet purchas'd of the Indians, together with such Answers as had been given to the same, that they may be ready to be laid before the Council for their Perusal at their next Meeting.

At a Council held at Philadelphia, on Saturday 12th Decem^{r} 1767.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}.

Richard Peters, Benjamin Chew, } Esquires.
James Tilghman, }

The several Letters and Answers, with the other Papers relative to the removal of the People, settled on the Indians' Lands, which the Secretary was directed at the last Meeting of Council to collect, were laid before the Council and read in their Order. The Board then took Major General Gage's Letter of the 7th instant into further consideration, and advised the Governor to lay the said Letter before the Assembly, and strongly to recommend it to them to concur with him in making use of every expedient for the immediate Removal of the People who have made Encroachments on the Indians' Lands, and to enable him the more effectually to Exert the Powers of Government, by framing such a Law as will be sufficient to compel those Intruders to pay due submission to the Civil authority.

For this special Purpose the Board thought it would have been advisable for the Governor to convene the Assembly immediately, but on considering that the day on which the Assembly were to meet by their own adjournment, was so early as the 4th of next Month, they were of Opinion it would be impracticable, by issuing Writs, to convene them before that time.

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15th December, 1767.

MEMORANDUM.

The Governor wrote the following Letter to his Excellency Major General Gage, in Answer to his Letter of the 7th Instant, Viz^{t}:

A Letter from the Governor to his Excell'y. Major Gen'l. Gage.

"PHILADELPHIA, Decem^{r} 15th, 1767.

"Sir:

"It gives me very great concern to find, by Your Excellency's Letter of the 7th Instant, that the late intelligence you have Received concerning the ill dispositions of the Indians, and their dissatisfaction on account of the encroachments made on their Land, afford so much Reason to apprehend an approaching Rupture with them. It is a matter truly alarming, and requires the utmost attention and consideration of the Legislatures of these Middle Colonies, to devise the most prudent and vigorous Measures for preventing the Calamities which so apparently threaten us. On this occasion I immediately called my Council, to consult with them on the first Step most proper to be taken on my part, and their advice to me is, to lay the Matters before my Assembly at their ensuing Meeting, the 4th of next Month, and recommend it to them in the Strongest Manner, to concur with me in the most certain Expedient for the Removal of all the People settled on the Indians' Lands within this Province, which has hitherto been attempted in vain by Proclamations, or even the threats of military Execution, and also in order to enable me effectually to exert the Powers of Government to frame such a Law as will be fully sufficient to compel those Intruders to pay due Submission to the Civil Authority.

"I should have expressly convened the Assembly at this juncture, if it had been practicable for them to have come together on an earlier day than that to which they stand Adjourned.

"With respect to the Insufficiency of the Laws to secure the Indians in their Persons and Properties, I would beg leave to observe that the remote Situation of their Country, and the dispersed and Vagrant manner in which the People live, will generally render the best Laws that can be framed for those Ends, in a great mea-

sure ineffectual. The Civil Officers, whose Business it is to see that they are duly enforced, cannot exert their Authority in so distant and extensive a Wilderness. In the Execution, therefore, of the present interesting Matter, I am persuaded that notwithstanding all the Legislature can do, I shall find it necessary to apply to the Military Aid, which you have so readily offered me, in Support of the Civil Power. Yet, I fear that while the Severity of the Weather in the Winter Season continues, it will be found extremely difficult, if not impracticable, to oblige those Lawless People to abandon their present Habitations, and to remove with their Families and Effects into the interior parts of the Country; and I am of Opinion it would be unadvisable to make any attempts of that kind before the Spring.

"I shall, however, earnestly apply myself, with the Concurrence of the Assembly, in concerting the most expeditious Means to effectuate this Business as early as Possible.

"I have the Honour to be, with great Respect,

"Your Excellency's most Obedient Humble Servant,

"JOHN PENN.

"To his Excellency Major General GAGE."

Monday the 4th January, 1768.

A Committee of the Assembly waited on the Governor and acquainted him that a Quorum was met pursuant to adjournment, and requested to know if his Honour had any Business to lay before them, to which His Honour answered, that he had a Matter of Importance to lay before them, which he should do very soon by a Message.

At a Council held at Philadelphia, on Tuesday 5th Jan^{ry} 1768.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}.

Richard Peters,
James Tilghman, } Esquires.

A Draft of a Message to the Assembly being prepared agreeable to the advice of the Council on the 12th of last Month, concerning the Encroachments on the Indian Lands, and laid before the Board, was read and approved, and the same was ordered to be fairly Transcribed, and carried to the House in the Afternoon, with General Gage's Letter of the 7th of December last. The Message follows in these Words, Viz^{t}:

A Message from the Governor to the Assembly.

"Gentlemen:

"You will perceive by a Letter from his Excellency General Gage, herewith laid before you, that, from accounts received from all Quarters (particularly from Sir William Johnson), of the dissatisfaction of the Indians, and their ill disposition towards us, there is great reason to apprehend an immediate Rupture with them, unless some effectual Means are fallen upon to Pacify them; and that the Insults and Injuries they have received from the Frontier Inhabitants, chiefly of Virginia, and the perverse and obstinate disposition of a Number of People, who, contrary to his Majesty's Proclamation, and the Principles of Justice, have settled, and are daily Settling upon their unpurchased Lands, are the principal Causes of their complaints. And I must inform you that those Settlements upon the Indian Lands to the Westward of the Alleghany Mountains, now appear, by the Line lately Run between Pennsylvania and Maryland, to be within the Bounds of this Province.

"As nothing can be of more Importance to this Province than preventing the Calamitous effects of an Indian War, of which we have had the most melancholy Experience; And the Principles both of Justice and Policy call for a speedy Redress of the Grievances complained of by the Indians, I would willingly take every Measure in my Power not only to remove the just Causes of their complaints of past injuries, but to protect their Persons and Properties for the future; But as the Laws of the Province are insufficient for the Purpose, and the Steps hitherto taken, both by Proclamation issued in pursuance of the King's Commands, and by the threats of exerting a Military Force, have proved ineffectual, I most earnestly recommend to you the framing of a Law not only to remedy the present Evil, but to furnish future Delinquencies of the same kind, and that a suitable Provision be made for defraying any Expence which may attend the necessary Exertion of the Powers of Government, in the removal of those Rash and Lawless Intruders.

"JOHN PENN.

"January 5th, 1768."

January the 6th, 1768.

Two Members of the Assembly waited on the Governor with the following Verbal Message, viz^{t}:

A Message to the Governor from the Assembly.

"The House commands us to inform the Governor that they have now before them his Message relating to Indian Affairs, with

the General's Letter therein referred to, and as they are desirous in a matter of so interesting a Nature to the Colonies in General and this Province in particular, to receive every intelligence necessary to enable them to Unite with the Governor in removing the Mischiefs complained of, they request to know whether the Governor has any Letters or Papers from Sir William Johnston, or expects any on the Subject, or whether the Deputies of the Six Nations in any late Conferences with the Governor have disclos'd to him any of the Causes of the Dissatisfaction of the Indians, and that he would be pleased to communicate to the House such Letters, Papers, Conferences, and other Intelligence, as he may have received on the Subject of his Message, and the General's Letter.

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January 6th, 1768.

To which the Governor made Answer that he had not received any Letters from Sir William Johnson, concerning the present Dissatisfaction of the Indians, nor any late Intelligence on that Subject, than what is contain'd in the General's Letter, which he laid before the House.

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January 13th, 1768.

A Committee of Assembly waited on the Governor, and presented him a Message from the House, in the following words, viz^{t}:

A Message to the Governor from the Assembly.

"May it please Your Honour:

"The Subject of your Message of the fifth Instant, and the Letter from His Excellency General Gage, therein referred to, was of so Serious a Nature that we thought it our Duty to take it immediately under the most deliberate Consideration. The Dissatisfaction and ill Disposition of the Indians towards us with his Excellency's and Sir William Johnson's apprehensions of an immediate Rupture with them are truly alarming, and certainly demand the utmost attention of every Colony that is in any manner exposed to their violence or Connected with them.

"We find from his Excellency's Letter, and our own Enquiry, that the Causes of the present ill Temper of the Indians are the audacious Encroachments made by a Number of People who have settled on their Lands, on Red Stone Creek and Cheat River, within the Bounds of this Province, and the Murders committed on a number of Seneca and other Indians, by Persons who have hitherto bid

Defiance to the Laws and Eluded the hands of Justice. These Offences, so injurious to the Rights of the Natives and the security of their Persons, in Violation of the solemn Treaties of Peace and Friendship established with them, and in Contempt of His Majesty's Proclamation and the Laws of the Colony where committed, cannot fail to create in their Minds the most dangerous Jealousies of our publick Faith and Integrity, and are probably motives to their design of forming a powerful Confederacy in the Spring. The Settlement of their Lands without their Consent, we fear, has rendered them suspicious that we intend to make them our own without paying any consideration for them. And the repeated Murders perpetrated on their people by the Frontier Inhabitants of several of the colonies must fill the Minds of Persons whose Ruling Passion is Revenge, and who never forget injuries without an Attonement made for them, with Resentment against the Governments under which such heinous offences are committed with Impunity.

"And as in all Probability those People will not distinguish between the Publick Acts of Government and the wicked Conduct of Lawless Men, they must in the End bring on a Savage War, attended with an immense Expence to Great Britain and her Colonies, in which the Innocent will be involved with the Guilty, and neither Age or Sex find Compassion or Mercy. Under this View of the matters recommended by your Honour to the House, we are of opinion that the removal of every Cause of the present discontent of the Indians, and a Redress of every Grievance they can justly complain of, are objects of the highest Importance to the Peace and Safety of the Province.

"In order to remove those lawless Intruders on the Indian Lands, and to prevent any future Settlements thereon, we are preparing a Bill which we hope will be effectual. The Provisions in this Bill, we expect, will answer the good Purposes intended; for those unhappy Men, should they obstinately persist in their Offence, must become Liable to the heavy Penalties of the Law, and we presume will, on cool Consideration of their danger, and the mischievous Tendency of their Conduct, prudently desert their Settlements, and thereby Redress that part of the Indian Complaints. But should we be disappointed in this Expectation, we beg leave earnestly to recommend it to your Honour, to exert your utmost endeavours to secure the Tranquility of the Province, and avert the present prospect of an Indian Rupture.

"But may it please your Honour, should the Effects of this Law answer our Expectation of removing those Lawless People from the Indian Lands, we fear that there will still remain a principal Cause of their Dissatisfaction. We have received information that a Number of Senecas has been lately killed on the Frontiers of this and the neighbouring Provinces, and we can never forget those flagrant Breaches of the Laws of Hospitality, and the horrid Acts of Barbarity committed in the Year 1763, on the Remains of a

Tribe of the same Indians and others, at Conestogo and Lancaster, which must also be remembered by your Honour. If murders will admit of Aggravation, the Circumstances attending the last mentioned of those impious Transactions, would greatly enhance the Guilt of the Offenders The Forefathers of those innocent Victims, were received into an Alliance of Friendship by our first honourable Proprietary. Their Posterity were settled by the Government on a Tract of Land at Conestogo, and remained there Peaceably until part of them were inhumanly massacred.

"The rest, reposing the firmest Confidence in the Faith of the Government, were taken in their distress under its more immediate Protection in the Work-house at Lancaster, where Men, Women, and helpless Infants, alike became a Sacrifice to the Frantic Rage and relentless Cruelty of a sett of Men equally regardless of the Dictates of Humanity, Religion, and the Laws of their Country.

"These Murders we find have reached the Ears of the Indians, and they have complained of them among others. They are undoubtedly one of the Causes of their present discontent, and will, we fear, be made use of to excite the Resentment of the Natives against this Province in a particular Manner, should a Rupture with them unhappily take place. Nor will this appear by any means improbable, when it is considered that the like Offences, in the King's Neighbouring Government of New Jersey, have been brought to condign Punishment, and thereby a satisfactory Attonement made to the Indians for the Loss of their Brethren. Whether, therefore, we consider Ourselves on this Occasion as Persons concerned for the future Safety of the Lives of the People we represent, and a due Execution of the Laws upon which the Honour and Dignity of the Government depend, or for the Removal of every Cause which may increase the Danger of an Indian War, we are pressed by the Strongest Motives to take this opportunity of earnestly intreating your Honour that diligent and Speedy Inquisition be made after those attrocious offenders who have stained the Land with innocent Blood and bid defiance to the Laws of their Country, to effect which, no Assistance in our Power shall be wanting that the importance of the Occasion requires.

"Notwithstanding the tumultuous State of the Province might oppose the Exertion of the Powers of Government necessary to bring those Criminals to Justice at the time of committing the Offence, yet we apprehend that obstruction has been long since removed, and that the past as well as present Tranquility of the Province, with the Horror and Detestation with which all Honest and good Men look back on those Transactions, have afforded, and do yet afford, a favorable Opportunity of restoring the Government to its former Power and Dignity, lately so insolently trampled on, and of convincing those Offenders, that altho' Justice may sometimes *Sleep*, it can never *Die;* besides, it is the dread of exemplary Punishment, Steadily and uniformly inflicted on past Delinquents, that

alone can deter the Wicked from the Perpetration of future Offences. And should Crimes of the first Rank, of the deepest Dye, remain unpunished, Wicked men will never be wanting in any Country to take Advantage of the Times and the Debility of Government, to commit the like, or other Crimes.

"We heartily concur in Opinion with your Honour, that 'Nothing can be of more Importance to this Province, than preventing the calamitous effects of an Indian War,' and that 'the Principles, both of Justice and Policy, call for a Speedy Redress of the Grievances complained of by the Indians.' And we assure the Governor that the House is much by his Declaration, that he 'would willingly take every Measure in his Power, not only to remove the Just Causes of their Complaints of *past* injuries, but to protect their Persons and Properties for the *future*.'

"From such a disposition put in practice, we have Reason to expect that all the Causes of Indian Complaints against the Government may be removed, and their Minds impressed with proper Ideas of its Justice, and our friendly disposition towards them, which alone can form the solid Foundation of a lasting Peace; And we hope Your Honour will not meet with much difficulty in this important service to the Province, for when we consider the Manner of committing the Murders at Lancaster; that it was done at Noon-Day, in the midst of a Populous Borough, and in the Presence of many spectators by Men probably of the same County, undisguised and well known, we apprehend their Names may be easily discovered, and their Persons brought to that Punishment their heinous Offences deserve.

"On this important Subject, permit us also to remark, that we are further assured, from good Information, that a general Boundary between the Natives and these Colonies has been some time past Negotiated with them by Sir William Johnston, in Obedience to his Majesty's Orders; that the Boundary agreed on will be far distant from our frontier Settlements, and a large Tract of Country within it will thereby be ceded to his Majesty, for a valuable Consideration; that as some Time has Elapsed since the Agreement was made with the Indians, and in the meantime the people on the Fronties have been encroaching on their Lands, while this Boundary remains unconfirmed, and the Indians unsatisfied for their Country, they are become very uneasy on this Account, also, and Jealous that there is no design to ratify and confirm it; to obviate which Cause of their Discontent, and effectually to establish between them and His Majesty's Subjects a durable Peace, we are of opinion that a speedy Confirmation of this Boundary, and a just Satisfaction made to them for their Lands on this side of it, is absolutely necessary.

"By this means all their present Complaints of Encroachments will be removed, the People on our Frontiers will have a sufficient Country to settle or Hunt in, without interfering with them, and

the Northern Indians in their War Expeditions against the Southern, will not be liable to the Insults which have been heretofore offered to their Persons; For these Reasons we earnestly request your Honour would communicate these our Sentiments to his Excellency General Gage, and Sir William Johnson, and use your utmost endeavours to prevail on them to finish, if in their Power, with all convenient Dispatch, a measure so essential to the removal of the present discontent of the Natives, and future Tranquility of these Colonies.

"Signed by Order of the House.

"JOSEPH GALLOWAY, *Speaker.*

"January 13th, 1768."

January.

Two Members of Assembly presented to the Governor for his Concurrence, a Bill entituled "An Act to remove Persons now Settled, and to prevent others from Settling, on any Lands in this Province not purchased of the Indians."

At a Council held at Philadelphia, on Tuesday 19th January, 1768.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

James Hamilton, Benjamin Chew, Richard Peters, Lynford Lardner, James Tilghman, } Esquires.

The Governor laid before the Board a Letter he lately received from Sir William Johnson, dated the 2d Instant, which was read, & is as follows, Viz^t:

A Letter to the Governor from Sr. William Johnson.

JOHNSON HALL, January 2d, 1768.

"Sir:

"By last Post I had the favour of your Letter of the 15th Ult., Chiefly regarding the alarming State of Indian affairs, occasioned by the intrusions and other Hostile Acts of Persons on the Frontiers, which has had such an effect upon the Minds of the Indians, as gives me the Strongest Reason to apprehend a general Rupture, unless there is something done for their Relief. Your intentions, therefore, to endeavour to procure some Salutary Law for that pur-

pose, give me much Satisfaction, as all other Methods have, it seems, hitherto proved ineffectual, which has rendered all my Assurances to the Indians of little weight, and greatly weakened any confidence they reposed on the British Faith, by giving them Suspicions that we had neither Authority to procure, or inclination to afford them Relief. I, therefore, heartily wish that the Legislature of your Province may, from a just Sense of the importance of the Affair, take such measures as will at once convince the Indians of our Justice, and pacific Sentiments for them; and you may be assured, Sir, of my doing every thing, in the Interim, for convincing them of your good intentions, and for reconciling them to the necessary delay you mention.

"There are doubtless amongst the scatter'd Tribes living in the back parts of that Country, several Idle Indians, who may, from Motives of private Interest, be persuaded to give some encouragement to the Settlers; but these are private acts of Persons who would presume to avow them to the Confederacy, whose sole Right it is, and whose Resentment may have a most fatal Tendency, if to their natural Jealousy of us, is joined their Suspicion that we suffer or countenance such settlements, with a design to Hemm them in and deprive them of their Liberties; An opinion into which they are very easily led, and until it is thoroughly removed, our Frontiers and Trade must, at the best, be on a very precarious footing.

"The Boundary Line would no doubt have been of great Service at this time, but I have heard nothing farther on that head from his Majesty's Ministers. If our People would confine themselves within the limits of such a Line, I know that, for a good Consideration to the Indians, I could obtain a valuable Cession of Territory, and the Indians have been told that it is intended.

"I am sorry to find that the Indians who attended the Surveyors in running the Division Line, would not consent to proceed farther than you mention. Their stopping where they did, I, in some measure, attribute to their apprehensions of farther Insults in Travelling to and from the Cherokee Country, of which they have often complained, as well as to the present uneasiness Subsisting among them, for the Causes aforementioned, &c^a I hope that a more favourable time may be found for compleating the whole, to which the good usage they received from the Commissioners will greatly contribute.

"Mr. Crawford informs me that he found the Travelling at this Season so very expensive, as obliged him to lay out the 40 Dollars ordered for the widow of Jacob, which, I was sorry to hear, because such expressions of kindness would give them a favourable impression, and facilitate that or any other business hereafter. I therefore think it very necessary at this time to advance that Sum as intended, which I shall take the Liberty to add to another small Accompt against the Province, which, (altho' of a long standing,) I make no doubt you will order the payment of; I am, with the

greatest Truth & Respect, Sir, your most Obedient and very Humble Servant.

"W. JOHNSON."

The Assembly's Message of the 13th instant, with a Draft of an Answer thereto, and the Bill for removing the Settlers on the Indian lands with a proposed amendment, were laid before the Board, but referred to a future consideration, on Account of a Melancholy piece of intelligence just brought to Town, of the murder of Several Indians on the Susquehanna, which required the immediate attention of the Board.

"Mr. William Blyth of Penn's Township, in Cumberland County, being just arrived in Town, in Order to give information to His Honour the Governor, of the Murder of Ten Indians, lately committed by Frederick Stump at Middle Creek, in that County, appeared at the Board, and being examined on Oath, related what is contained in the following Deposition taken in Council, before the Chief Justice, who was expressly desired to attend for that Purpose, viz^{t}:

"The Deposition of William Blyth of Penn's Township, in the County of Cumberland, Farmer, being sworn on the Holy Evangelists of Almighty God, saith:

"That hearing of the Murder of some Indians, by one Frederick Stump, a German, he went to the House of George Gabriel, where he understood Stump was, to enquire into the Truth of the matter; that he there met with Stump and several others, on the 12th of the present Month, January, and was there informed by the said Stump Himself, that on the Sunday Evening before, being the 10th day of the Month, Six Indians, to Wit: the White Mingo, an Indian man named Cornelius, one other Man named John Campbell, one other Man named Jones, and two Women, came to his (Stump's) House, and being in Drink and Disorderly, he endeavoured to persuade them to leave his House, which they were not inclined to do, and he being apprehensive that they intended to do him some Mischief, killed them all, and afterwards, in order to conceal them, dragged them down to a Creek near his House, made a hole in the Ice, and threw them in; And that the said Frederick Stump further informed this Deponent that, fearing news of his killing the Indians might be carried to the other Indians, he went the next Day to two Cabbins about fourteen miles from thence, up Middle Creek, where he found One Woman, two Girls and one Child, which he killed, in order to prevent their carrying intelligence of the Death of the other Indians, killed as aforesaid, and afterwards put them into the Cabbins and burnt them; That this Deponent afterwards sent four Men up the Creek, to where the Cabbins were, to know the Truth of the matter, who, upon their Return, informed him that they had

found the Cabbins burnt, and discovered some remains of the Limbs of some Indians who had been burnt in them, and further saith not.

"WILLIAM BLYTH.

"Sworn at Philadelphia, the 19th day of January, 1768, before me,

"WILL^M. ALLEN.

The Council thereupon immediately took this most important matter into their serious consideration, and were of opinion that Warrants should be immediately issued by the Chief Justice, directed to the Sheriffs, under Sheriffs, and other Officers of the Province, and particularly to those of the Counties of Cumberland, Lancaster, and Berks, for the apprehending of the abovementioned Frederick Stump, and bringing him before one of His Majesty's Justices of Oyer and Terminer, to be dealt with according to Law. The Board also advised the Governor to issue a Proclamation, offering a Reward of Two hundred Pounds for apprehending the said Offender, and bringing him to Justice, but to delay the Publication of the same for a short time, till other more secret means should be used for taking him, lest News of such a Proclamation should reach his ears, and he might be thereby so alarmed as to abscond, or make his Escape, before any Sheriff could arrive at Penn's Creek, where it is believed he continues to remain with his family. They therefore advised the Governor to write immediately to the Magistrates of Cumberland County, strictly requiring them to exert themselves on this Occasion, by giving their best assistance to the Sheriff and other Officers, and taking all other Measures in their Power for apprehending and securing the said Frederick Stump, and also to dispatch Letters of the same kind to the Magistrates of Lancaster and Berks Counties, instructing them to send their Sheriffs, with sufficient aid, to the utmost Limits of those Counties on the Susquehanna, so as to be nearly opposite to Middle Creek, that they may be in readiness to apprehend the said Stump, in case he should cross the River, and retire to either of those Counties.

The Board further advised the Governor to write to General Gage and Sir William Johnson, acquainting them with this unhappy accident, and the Steps he is taking on this occasion, and to request Sir William will be pleased to communicate the same as soon as possible, to the Six Nations, in the best and most favourable manner in his Power, so as to prevent their taking immediate Resentment for this unavoidable Injury committed on their People, and to assure them of the firm and sincere purposes of this Government to give them full satisfaction at all times for all wrongs done to the Indians, and to preserve the Faith and Friendship subsisting between us and them inviolable. Accordingly, the Chief Justices Warrants and the several Letters to the Magistrates of

Cumberland, Lancaster, and Berks Counties, were prepared, without delay, and despatched by Express, and are as follow, viz^{t} :

"*Pennsylvania, ss:*

"Whereas, Proof hath been made before me, William Allen, Esquire, Chief Justice of the Province of Pennsylvania, that a certain Frederick Stump, of Penn's Township, in Cumberland County, hath most Maliciously and barbarously killed and Murdered four Indian Men, three Indian Women, and three Indian Children, being in the Peace of God, and of our Lord the King. These are, therefore, in His Majesty's Name, to Will and require You and every of You, forthwith to make diligent search for the said Frederick Stump, and him, the said Frederick Stump, to apprehend, and take and bring him before me, or any other of his Majesty's Justices of Oyer and Terminer for the Province of Pennsylvania, to answer for the said Murders, and to be dealt with according to Law; *And I do* hereby require all his Majesty's liege Subjects, Inhabitants of this Province, to be aiding and assisting, to the utmost of their Power, towards the apprehending the said Frederick Stump.

"*In Witness* whereof I have hereunto Set the Seal of the Supream Court of the Province of Pennsylvania, this Nineteenth day of January, Anno Domini, 1768.

"Will$^{m.}$ Allen.

"To the High Sheriff, under Sheriff, Constables, Bailiffs, and all other Officers of the said Province of Pennsylvania, & particularly to those of the Several Counties of Cumberland, Lancaster, York, and Berks."

A Letter from the Governor to the Magistrates of the County of Cumberland.

"Philadelphia, 19th January, 1768.

"Gentlemen:

"Having received certain Information, that on Sunday the 10th Instant, Frederick Stump, a German, of Penns Township, in Cumberland County, did, without Provocation, murder in the most cruel and inhuman manner, in his own House near the mouth of Middle Creek, four Indian Men and two Indian Women, and that the next Day he proceeded fourteen miles up that Creek, and there put to Death and burnt in their Cabbins an Indian Woman, two Girls and a Child. I do hereby Strictly charge and require you immediately to exert yourselves in the most active manner, on this occasion, by giving your Assistance to the Sheriff and other Officers of Justice, in executing the Chief Justice's Warrant, and taking all other measures in your Power, for the immediate apprehending the said Frederick Stump, and that you also give your best Assistance to the

Sheriff in sending him, under such a Guard as may secure him from all possibility of escape or Rescue, down to this City, agreeable to the Chief Justice's Warrant, forwarded for that purpose by this opportunity, to be examined by one of the Justices of Oyer and Terminer, and to be dealt with by them according to Law.

"The Sheriff and Power of your County, should be dispatched without the least delay, to George Gabriel's House, on Penn's Creek, where I am informed Stump is gone, and to such other Places where it is most likely he may be found. You are also to give directions for the apprehending of his Servant Lad, (whose name I do not yet know) about 18 years of Age, who was with him at the Murder of the Women and Children, and is perhaps the most material Evidence that can be got against him. You are likewise to direct the Coroner of your County to proceed thither and to the Cabins beforementioned, and to hold Inquests on the Bodies of all the said Indians that can be found, and cause them to be buried in a very decent Manner.

"I am persuaded Gentlemen, that the Love of Justice, a sense of Duty, and a regard for the Public Safety, will be sufficient inducements with you to exert yourselves in such a manner as to leave no measuress untried which may be likely to apprehend and bring to punishment the Perpetrator of so horrid a Crime, which, in its consequences, will certainly involve us again in all the Calamities of an Indian War, and be attended with the Effusion of much innocent Blood, unless, by a proper Exertion of the Powers of Government, and a due Execution of the Laws, we can satisfy our Indian Allies that the Government does not countenance those who wantonly Spill their Blood, and convince them that we think ourselves bound by the Solemn Treaties made with them. I have this matter so much at heart, that I have determined to give a Reward of Two Hundred Pounds to any Person or Persons who shall apprehend the said Frederick Stump, and bring him to Justice, and should have sent up Proclamations for the Purpose by this opportunity, if I was not apprehensive that the setting up and making publick such Proclamations might be a means of terrifying him, and put him on making his Escape, or absconding, before the Officers of Justice could take him. I mention this, therefore, to you, in Confidence, and that you, by discreetly communicating it to such as you think proper, may the more easily prevail with them willingly to engage in the undertaking, and you may Assure them that they shall have the Reward, though he should be apprehended before the Proclamation is actually Published.

"I am, with great Regard, Gentlemen,

"Your most Obedient humble Servant,

"JOHN PENN.

"To John Armstrong, James Galbreath, & John Bayards, Esquires, & others, His Majesty's Justices of the Peace for the County of Cumberland."

A Letter from the Governor to the Magistrates of the County of Lancaster.

"PHILADELPHIA, 19th January, 1768.

"Gentlemen:

"Having received certain Information that on Sunday, the 10th Instant, Frederick Stump, a German, of Penn's Township, in Cumberland County, did, without Provocation, murder, in the most cruel and inhuman manner in his own House, near the Mouth of Middle Creek, four Indian Men, and two Indian Women, and that the next Day he proceeded fourteen Miles up that Creek, and there put to Death and burnt in their Cabins an Indian Woman, two Girls, and a Child, I do hereby strictly charge and require you immediately to exert yourselves in the most active manner on this Occasion, by giving your assistance to the Sheriff and other Officers of Justice, in Executing the chief Justices' Warrant, and taking all other measures in your Power for the immediate apprehending the said Frederick Stump, and that you also give your best assistance to the Sheriff in sending him under such a Guard as may secure him from all possibility of escape or Rescue, down to this City, agreeable to the Chief Justice's Warrant, forwarded for that purpose by this opportunity, to be examined by one of the Justices of Oyer and Terminer, and to be dealt with by them according to Law.

"I have directed the Magistrates of Cumberland County to dispatch the Sheriff with the Power of that County, without delay, to George Gabriel's House, on Penn's Creek, where, I am informed Stump is gone, and to such other places where it is most likely he may be found; But as it is probable he may abscond and throw himself out of the Jurisdiction of Cumberland, by crossing the Susquehanna, and taking Refuge in the upper parts of Lancaster County, near that River, It will be absolutely necessary that your Sheriff, with all the assistance he can collect, be also dispatched as far as Mahonoy Creek, or the furthest Limits of the County, to be in readiness to apprehend him in Case he should retire thither.

"I am persuaded, Gentlemen, that the Love of Justice, a Sense of Duty, and a Regard for the publick Safety, will be sufficient Inducements with you to exert yourselves in such a manner as to leave no Measures untried which may be likely to apprehend and bring to Punishment the Perpetrator of so horrid a Crime, which in its Consequences will certainly involve us again in all the Calamities of an Indian War, and be attended with the Effusion of much innocent Blood, unless by proper Exertion of the Powers of Government, and a due Execution of the Laws, we can satisfy our Indian Allies that the Government does not countenance those who wantonly spill their Blood, and convince them that we think ourselves bound by the Solemn Treaties made with them.

"I have this Matter so much at heart, that I have determined to give a Reward of Two hundred Pounds to any Person or Persons who shall apprehend the said Frederick Stump and bring him to

Justice, and should have sent up Proclamations for the purpose by this opportunity, if I was not apprehensive that the setting up and making publick such Proclamations might be a means of Terrifying him, and put him on making his Escape or absconding before the Officers of Justice could take him. I mention this, therefore, to you in Confidence, and that you, by discreetly communicating it to such as you think proper, may the more easily prevail with them willingly to engage in the undertaking, and you may assure them that they shall have the Reward, though he should be apprehended before the Proclamation is actually published.

"I am, with great Regard, Gentlemen,

"Your most Obedient humble Servant,

"JOHN PENN.

"To Emanuel Carpenter, Isaac Saunders, Edward Shippen, Adam Simon Kuhn, Adam Reed, James Burd, John Philip De Haas, and James Bickham, Esquires, and others, his Majesty's Justices of the Peace, for the County of Lancaster."

The same Letter was likewise sent to the Magistrates of Berks County, with this difference, that the Paragraph in the foregoing Letter, from the words ["I have directed the Magistrates of Cumberland County,"] to the end of the same Paragraph, was omitted, and instead thereof was inserted the following one, viz^{t}:

"I have directed the Magistrates of Cumberland to dispatch the Sheriff with the power of that County, without delay, to George Gabriel's House on Penn's Creek, where, I am informed, Stump is gone, and to such other places where it is most likely he may be found; But as it is most likely he may abscond and throw himself out of the Jurisdiction of Cumberland by crossing the Susquehanna, and taking refuge in the upper parts of Lancaster or Berks Counties, which lie near that River, It will be absolutely necessary that your Sheriff, with a sufficient number of People to assist him, be also dispatched to Fort Augusta, and to those parts of the Country which are opposite to Penn's Creek, or wherever else it may be found necessary, in order to be in readiness to apprehend him in Case he should retire thither. I have likewise instructed the Magistrates of Lancaster immediately to send off their Sheriff to the utmost Limits of that County, for the same Purpose."

(Directed)

"To James Diemer, John Patton, and Henry Christ, Esq^{rs}, and to all and every his Majesty's Justices of the Peace for the County of Berks."

A Draft of a Proclamation was also prepared and issued, but ordered not to be made publick till next Week, when it is to be published in the Pennsylvania Gazette and Journal, and two hundred Copies thereof to be printed and dispersed through the Frontier Counties. The said Proclamation follows in these words, viz^{t}:

"*By the Honourable JOHN PENN, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, and Sussex, on Delaware.*

"A PROCLAMATION:

"WHEREAS, it appears, by a Deposition this Day taken before the Chief Justice of this Province, that on Sunday, the Tenth day of this Month, a certain Frederick Stump, a German, of Penn's Township, in the County of Cumberland, did, in Violation of the public Faith, and in defiance of all Law, inhumanly and wickedly kill, without any Provocation, four Indian men and two Indian Women, in his own House, near the Mouth of Middle Creek, in the said County, and that the said Frederick Stump went the next Day to an Indian Cabin about fourteen miles up the said Creek, and there barbarously put to Death, and burnt an Indian Woman, two Girls and a young Child. *And whereas*, not only common Justice loudly demands, but the Laws of the Land and the Preservation of the Public Faith of Treaties with the several Indians, require, that the most speedy and vigorous Exertion of the Civil Authority should be made in Order to secure and bring to Condign Punishment an Offender that hath perpetrated so audacious and Cruel an Act on Indians, who for several months past have lived near the Frontiers of this Province, in a friendly and quiet Manner, and have at all times since the Establishment of the general Peace with the Indians in 1764, behaved themselves peaceably and inoffensively to all His Majesty's Subjects.

"I have therefore, by and with the advice of the Council, thought fit to issue this Proclamation, and do hereby strictly charge and command all Judges, Justices, Sheriffs, Constables, Officers, Civil and Military, and all other, his Majesty's faithful and Liege Subjects within this Province, to make diligent search and enquiry after the said Frederick Stump, and that they use all possible means to apprehend and secure him in one of the Public Goals of this Province, to be proceeded against according to Law. *And I* do hereby promise and engage, that any Person or Persons who shall apprehend and secure the said Frederick Stump, so that he be brought to Conviction, shall have and receive the public Reward of Two Hundred Pounds.

"Given under my Hand and the Great Seal of the said Province at Philadelphia, the Nineteenth day of January, in the Eighth Year of His Majesty's Reign, and in the Year of our Lord one thousand seven hundred and sixty-eight.

"JOHN PENN.

"By His Honour's Command.

"JOSEPH SHIPPEN, Junior, Secretary.

"GOD SAVE THE KING."

Thursday, 21st January, 1768.

The Governor received from the Assembly, by two members, a Verbal Message in the following Words, viz^{t}:

A Verbal Message to the Governor from the Assembly.

"The House having intelligence that a Number of Indians have been lately barbarously murdered near Penn's Creek, within this Province, and that the Governor has had information thereof, request that he would lay such Proofs and Examinations as he may have received, or taken on the Occasion, before the House, and if he has had any farther Accounts relating to Indian Discontent, that he would, also, be Pleased to communicate them."

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January 21st, 1768.

The same members also, acquainted the Governor that the House Requested to know if his Honour had gone through the Consideration of the Bill now before him for removing the Settlers on the Indian Lands, and that he would be pleased to let them know his Result thereon as soon as possible, as it is a Bill of great importance. His Honour made Answer that he should immediately communicate to the House the Intelligence he had received respecting the murder of the Indians at Middle Creek, as also, his Result on the Bill before him, which he had under advisement at the time that disagreeable News was brought him, but that that put him under the necessity of referring it to a future Consideration.

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Eodem die, P. M.

The Governor returned to the House by the Secretary, the Bill for removing the Persons Settled on the Indian Lands, with the following Amendment, Viz^{t}:

"Page 5, Lines 4 & 5. Dele the words [by the Consent and application of the Six Nations] and insert the words [when the Said George Croghan, Esquire, as Deputy Superintendant, hath of late, held Conferences with the Indians, so as no enlargement or addition be made to the improvements thereon at the time of the passing this Act, nor any more Families be seated on the same]".

The Secretary at the same time delivered to the House the following Verbal Message from the Governor, with the Papers therein referred to, vizt.:

The Governor commands me to lay before the House the Deposition of William Blyth, which contains all the intelligence he has re-

ceived relating to the barbarous Murder of ten Indians near Penn's Creek, and to acquaint the House that Warrants are issued by the Chief Justice, to apprehend the Villianous Perpetrator of that horrid Crime. And that he has dispatched Letters to the Magistrates of the Frontier Counties, Copies of which are now making out and shall be laid before the House for their perusal, and taken every Step he judged most proper to bring the Audacious Criminal to exemplary Punishment.

"I am also commanded by the Governor to lay before the House a Letter from Sir William Johnson, received a few Days ago, which is all the Intelligence he has had on the Subject of Indian discontents, since his written Message to the House of the 5th of this Instant.

"January 21st, 1768."

Two Members of Assembly again brought up to the Governor the Bill for the removing the Persons settled on the Indian Lands, with an Answer to the Governor's amendment thereto, viz^{t}:

"The House agreed to the Governor's Amendment as to the words (by the Consent and Approbation of the Six Nations,) and in respect to the other part adhere to the Bill.

"January 21st, 1768."

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January 21st.

The Governor wrote the following Letters to General Gage and Sir William Johnson, agreeable to the advice of Council the 19 Ins$^{t.}$ viz^{t}:

A Letter from the Governor to His Excellency General Gage.

"PHILADELPHIA, 21st January, 1768.

"Sir:

"On Wednesday last I received information by William Blyth, who then came to this City from Middle Creek, on the West Side of Susquehanna, that a barbarous and unprovoked murder of ten Indians was committed on that Creek by one Frederick Stump, a German, on the 10th and 11th days of this Month, the particulars of which are contained in the inclosed Copy of the said Blyth's Deposition.

"I am under the greatest Apprehensions that this unhappy affair will, at this Juncture, when the Indians are so much discontented by the Injuries already done them, be productive of the most Calamitous Consequences. But nothing on the part of this Government shall be wanting to remove all the Causes of their Complaints, and to give them the utmost Satisfaction in the late instance of Bar-

barity committed on their People. I have caused the Chief Justice's Warrants to be dispatched to all the Sheriffs and other Officers of the Frontier Counties, commanding the most diligent Search to be made for the Perpetrator of the murders, and for apprehending and bringing him to condign Punishment.

"I have also written Letters to all the Magistrates of Cumberland, Lancaster, and Berks Counties, in the strongest Terms, requiring them to exert themselves in the most active manner on this Occasion, by giving their best Assistance to the Sheriffs and other Officers in the immediate Execution of the Warrants sent them, and taking all other Measures for the speedy apprehending the Attrocious Villain, and bring him to Justice; And to induce the the People the more willingly to engage in the Undertaking with the Sheriffs, I have signified to the Magistrates that I will give a Reward of Two Hundred Pounds to the Person or Persons who shall apprehend and secure him; And in a little time I shall Publish a Proclamation for the same purpose, which I have delayed for a while, till the more private measures I have concerted are carry'd into Execution, and lest the setting up Proclamations and making them Public immediately, might be a means of alarming him and putting him on absconding or making his escape, before the Officers of Justice could have an Opportunity of taking him.

"I shall write by this Opportunity to Sir William Johnson, to acquaint him with this most unfortunate Affair and the Measures I am using to give the Indians Satisfaction in bringing the Murderer to Exemplary Punishment, that he may Communicate the whole Matter to the Six Nations in the most favourable manner, and that they may be convinced of our sincere Intentions to redress them for all Injuries done them, and to preserve Faith with them to the utmost of our Power.

"The Assembly, who are now sitting, have sent me a Bill for Removing the Settlers, and preventing others from settling on any Lands in this Province not purchased from the Indians, which inflicts the Penalty of Death on all that shall be found settled on those Lands after a regular and legal Notice of 30 Days has been given them to Remove. I have this Day returned it to the House, and have agreed to pass it with a necessary Amendment, which they can have no objection to, and am in great Hopes this Law will effectually answer the good purpose design'd by it.

"I am, with great Regard, Sir,

"Your most Obedient humble Servant,

"JOHN PENN.

"To His Excellency General GAGE."

A Letter from the Governor to Sir William Johnson.

"PHILADELPHIA, 21st January, 1768.

"SIR:

"A few days ago I was favour'd with your Letter of the 2d Instant. It gives me great Pleasure to know that you approve of the Conduct of the Proprietary Commissioners towards the Deputies of the Six Nations that attended the Surveyors in running the Line between this Province and Maryland, and of the Satisfaction made the Indians for their Services; and I am much obliged to you for your Goodness in advancing the 40 Dollars for the Deceased Indian, Jacob's Wife, which I shall Transmit to you very soon, together with the Ballance you mention to be due to you in the Accompt sent me.

"It is with the deepest Concern that I must now acquaint you, that on Wednesday last I received, by William Blyth, who then came to this City from his House at Middle Creek, on the West side of Susquehanna, the disagreeable and Melancholy Intelligence of a very Barbarous and unprovoked Murder committed on four Indian Men, three Indian Women, two Girls and a Child, at that Creek, by one Frederick Stump, a German, on the 10th & 11th days of this Month, the particulars of which are contained in the inclosed Copy of the said Blyth's Deposition.

"I am under the greatest apprehensions that this unhappy affair will, at this Juncture, when the Indians are so much discontented by the Injuries already done them, be productive of the most Calamitous Consequences; But nothing on the part of this Government shall be wanting to remove all the Causes of their Complaints, and to give them the utmost Satisfaction in the late Instance of Barbarity committed on their People. I have caused the Chief Justices Warrants to be dispatched to all the Sheriffs and other Officers of the Frontier Counties, commanding the most diligent search to be made for the Perpetrator of the Murders, and for apprehending and bringing him to Condign Punishment. I have, also, written Letters to all the Magistrates of Cumberland, Lancaster, and Berks Counties, in the strongest Terms, requiring them to exert themselves, in the most Active manner, upon this occasion, by giving their best assistance to the Sheriffs and other Officers in the immediate Execution of the Warrants sent them, and taking all other measures for the speedy apprehending the attrocious Villain, and bringing him to Justice; and to induce the People the more willingly to engage in the undertaking with the Sheriffs, I have signified to the Magistrates that I will give a Reward of Two Hundred Pounds to the Person or Persons who shall apprehend and secure him, and in a little time I shall issue a Proclamation for the same purpose, which I have delayed for a while, till the more private Measures I have concerted are carried into Execution, and lest the setting up Proclamations and making them public immediately, might be a means of alarming him and putting him

on absconding or making his Escape before the Officers of Justice could have an opportunity of taking him.

"In order to prevent as much as possible the fatal Consequences that may be likely to attend this very unfortunate Affair, I must beg you will be pleased to take the most early occasion to communicate it to the Six Nations in as favourable a point of light as the Nature of the Case will admit of, and to acquaint them with the Measures I am using to give the Indians satisfaction in bringing the murderer to Exemplary Punishment. I am in hopes, from the Representation you give them of this matter, they will distinguish between the Acts of private Individuals and those of Government, and be convinced that tho' it is not in the Power of the Wisest Laws to restrain vicious Men from committing Acts of Violence and Wickedness, yet this Government Possesses the most sincere and steady Intentions to redress their Injuries at all times, and to preserve public Faith with them to the utmost of its Power.

"The Assembly, who are now sitting, have sent me a Bill for Removing the Settlers, and preventing others from Settling on any Lands in this Province, not purchased from the Indians, which inflicts the Penalty of Death on all that shall be found settled on those Lands after a regular and Legal notice of 30 Days has been given them to remove. I have this Day returned the Bill to the House, and have agreed to pass it with a necessary Amendment, which they can have no objection to, and I am in great hopes this Law will effectually answer the good purpose designed by it.

"I am, with great Regard, Sir,

"Your most obedient humble Servant,

"JOHN PENN.

"To Sir WILLIAM JOHNSON, Bar^{t}."

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Friday, January 22d.

The Secretary, by the Governor's directions, laid before the Assembly Copies of the Letters to the Magistrates of Cumberland, Lancaster, and Berks Counties, referred to in the Verbal Message to the House of Yesterday.

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Eodem Die, P. M.

The Governor sent to the Assembly the following Verbal Message by the Secretary, viz^{t}:

A Verbal Message from the Governor to the Assembly.

"Sir:

"The Governor commands me to acquaint the House that several poor Indians are come to Town from Wighaloosin, to Petition for

some Cloaths and necessaries, of which they are almost destitute; and that a young Indian Man is also come from the upper parts of the Susquehanna, whom His Honour thinks it necessary to dispatch with a Message to the Indians residing thereabouts, on the Subject of the late murder of the Indians at Middle Creek. His Honour, therefore, requests the House will enable him to defray the Expences on both these Occasions"

At a Council held at Philadelphia, on Friday 22d Jan^{y}, 1768, P. M.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}.

Joseph Turner, William Logan, James Tilghman, Richard Peters, Benjamin Chew, } Esquires.

A Delaware Indian, named Billy Champion, who came to Town two days ago, from the Susquehanna, appeared at the Board, and acquainted the Governor that Newahleeka, the Chief of the Delawares, and the other Indians at the Great Island, were much displeased that five white men had lately been marking Trees and Surveying Land in the Forks of the Susquehanna, as yet not purchased from the Indians, and that he having innocently hired himself as a Hunter to them, while they were engaged in that business, was very much blamed by the Indians, and threatened to be killed by them; That therefore Newalecka had ordered him to come immediately to the Governor of Pennsylvania, and acquaint him therewith, and ask him whether those People had gone into their Country to Survey and Mark the Land by his Orders, or not, and also to request that he would prohibit all others from doing the same for the future, till the Land should be purchased from the Indians. It being the opinion of the Board that it would be advisable for the Governor to send Newaleeka an Answer thereto, and a Message, with a Belt of Wampum to him and the other Indians at the great Island, by Billy Champion, to acquaint them with the late cruel Murder of the Indians at the Middle Creek, and the Steps now taking to apprehend the offender, Mr. Logan and Mr. Peters were appointed to prepare a proper Message for that purpose, and to lay the same before the Council to-Morrow.

The Board then took into Consideration the Assembly's Answer to the Governor's Amendment to the Bill for removing the Settlers on the Indian Lands, and being of Opinion that the Governor ought not to recede from his Amendment, advised him to return the Bill to the House in the Morning, with a Message, explaining the Reasons of his Amendment.

At a Council held at Philadelphia, on Saturday 23d January, 1768.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

William Logan, Benjamin Chew, } Esquires.
Richard Peters, James Tilghman, }

The following Message to the Assembly being prepared, was Read and approved, and the Secretary was directed to deliver the same immediately to the House, with the Bill for removing the Settlers on the Indian Lands, viz^t:

A Message from the Governor to the Assembly.

"Gentlemen:

"I am sorry to find by your Answer to my proposed Amendment of the Bill for removing the Persons settled on the Indian Lands, that you are not inclined to accede to what I look upon to be the material part of it. As it was impossible I should know the Nature and Circumstances of any Improvement Mr. Croghan may have made on any Lands on the Ohio, I thought there might be an opening left for the People intended to be removed to sit down on those very Lands excepted by the Bill, which would render the Precautions taken in the Bill in a great measure ineffectual, and the Amendment was principally intended to guard against that Inconvenience, which I am confident you are equally sollicitous with me to prevent; but if you think the Terms of the Amendment too restrictive of the Liberty Mr. Croghan ought to have, of adding to or repairing the Improvements on the Ohio at the Place mentioned in the Bill, I am willing to depart from the Amendment as it stands; and as I think strict forms may be dispensed with in a matter of so much consequence as the present, I would propose the following instead of it, which I am in hopes may be more agreeable to you, and may answer the general purpose of the Bill as well, Viz^t: 'Where the said George Croghan, Esquire, as Deputy Superintendant, hath of late held Conferences with the Indians, so as no greater number of Families be seated thereon than are at present on the same.'

"JOHN PENN.

"January 23d, 1768."

And at the same time the Governor sent to the House by the Secretary a Verbal Message, as follows, viz^t:

A Verbal Message from the Governor to the Assembly.

"Sir:

"The Governor commands me to acquaint the House that he has been prevented from sending an Answer to their Message of the 13th Instant so soon as he intended, by the close attention he has necessarily been obliged to give to the unhappy Affair of the Murder of the Indians at Middle Creek, taking immediate Measures for bringing the Offender to Justice, and dispatching Letters on the Subject to General Gage and Sir William Johnson, but that he has now Resumed the consideration of the said Message, and will speedily send an answer to it.

"January 23d, 1768."

The Draft of a Message to Newalecka and the Indians at the great Island being prepared, was laid before the Board and approved. It was then read and explained to Billy Champion, in order to be communicated by him in the Indian Manner to Newalecka and the other Indians, and follows in these Words, Viz^{t}:

A Message from the Governor of Pennsylvania to Newoleeka, the Chief of the Delawares, and to the other Indians at the Great Island:

"Brother Newoleeka:

"The Indian Man, Billy Champion, who is the Bearer of this Letter, has informed me there were some white People in your Parts, Surveying and marking out Lands under a pretence of Hunting, and You sent him to desire to know if this was done by my Order or knowledge. I assure you it was not. It is a wicked thing, contrary to my Treaties with you, and contrary to our Laws and my Proclamations. I will make it my business to find them out, and if you know who they are, I desire you will inform me, that they may be taken and brought to Justice. The String herewith sent, confirms my Words.

A String.

"Brother:

"I am glad this Indian Man Bill came down at this time, for it gives me an Opportunity of informing you of a Melancholy affair which I have only heard of within these few days, and which fills the Hearts of all your Brethren with the deepest Sorrow and Grief. It is this: Two or three Families of Indians, namely, the White Mingo, Cornelius, Jonas, and John Cammell, three Women, two Girls and a Child, left the Big Island in the Spring, and came and built themselves Cabins on Middle Creek, about 15 Miles up the Creek; there they lived and Hunted, and were often with our People, and were always well received and kindly treated by them;

about Ten days ago they were at Mr. William Blyth's, who lives at the Mouth of Middle Creek, who treated them kindly; and from his House they went to one Frederick Stump's, a Dutchman, who lives in that neighborhood. There it is supposed some difference happened, but what it was we have not heard, but they were all found Murdered, Six of them in Stump's own House, and four at a Cabin at some distance from it; and I am further informed Stump says he killed them all with his own hands, and that there was no other person concerned with him in the Fact.

"On my receiving this Melancholy Account, the Sheriff was immediately sent with Officers to take up this Stump as the murderer, and for their Encouragement I offered them a Reward of Two hundred Pounds, and I am in hopes he is by this time taken, and nothing shall be lost to bring him to his Tryal, that he may suffer Death in the same manner as he would have done had he killed so many White Men.

"Brother:

"I consider this matter in no other light than as the Act of a wicked, rash Man, and I hope you will also consider it in the same way, and not imagine, that since it was done by one Man in the manner I have related it to you, that any other Persons have been concerned in it, or that it has been any way encouraged by any of my People, I assure you it has not.

"Brother:

"There are among you and us some Wild, Rash, hot-Headed People, who commit Actions of this sort. Whenever it so happens, all that can be done is immediately to acquaint each other of them, and to bring the Offenders to Justice, that it may make no breach between us, but be considered as a rash, sudden act, that could not be prevented; And we now inform you further, that we are going to send off a Messenger immediately to the Relations of the deceased People, who, we hear, live near Chenasse, to inform them and the Seneca Nation, to whom they belong, of this Murder, and to bury their Bodies, and wipe their Tears from their Eyes, that it may not break the friendship subsisting between us and the Indians, but that we may live together and love one another as we did before this melancholy Accident happened. This Belt confirms my words.

A Belt of Wampum.

"Brother:

"I desire this Belt of Wampum may be sent to any of our Indian Brethren near you, that they may not be frightened or think the English are not their Friends. Assure them to the contrary, and that we will keep the Chain of Friendship entire and bright,

notwithstanding this Accident. To confirm this my request, I give you this String.

A String.

Locus Sigilli

"Given under my Hand and the Lesser Seal of the Province of Pennsylvania, at Philadelphia, the 23d of January, 1768.

"JOHN PENN.

"By His Honour's Command.

"JOSEPH SHIPPEN, Junr, Secretary."

The Secretary then transcribed the above Message, and after fully explaining it again to Billy Champion, Sealing it up and delivering it to his Care, with a Belt and two Strings of Wampum, directing him to make no delay in carrying the same to Newahleeka, and in his way to call on his Brother, who speaks and writes English, to accompany him to the Great Island, in order to Interpret the Message fully to the Indians. It was agreed by the Board, that in Consideration of Billy Champion's Services and Expences in coming from the great Island and carrying the above Message, he should have a present of a Blanket, a Shirt, a Hat, a pair of Shoes, a pair of Indian Stockings, a Breech Cloth, and Four Pounds two Shillings and Six pence in Cash, which was accordingly provided and delivered to him.

At a Council held at Philadelphia, on Monday 25th January, 1768.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c[a]

William Logan, Benjamin Chew, } Esquires.
Richard Peters, James Tilghman, }

The Board resumed the consideration of the Assembly's Message of the 13th Instant, and a Draft of an answer thereto being prepared, was laid before the Board, Read and approved The Secretary was directed to Transcribe the Same, and carry it to the House in the Afternoon. The said Message follows in these Words, Viz[t]

A Message from the Governor to the Assembly.

"Gentlemen:

"My Verbal Message of Saturday last, contained the reasons why Your written Message of the 13th Instant remained so long unanswered; And now I take the opportunity of expressing the Pleasure it gives me to find you truly Sensible of the necessity there is of removing those perverse and obstinate People, who, contrary to the

Faith of Treaties, and in contempt of His Majesty's Orders, have settled themselves within the Bounds of this Province, on Lands as yet, unpurchased of the Indians.

"It would afford me the highest Pleasure not only to make the Indians easy in this Particular, which I understand from the best Authority, is the principal Cause of their present discontent, but to give them Ample Satisfaction for every past or future Injury offered to them in this Government. As to the barbarous murder committed on the Indians at Conestogo and Lancaster, in the Year 1763, no Man can be more sensible than I am that they are Crimes of so black a Dye as to admit of no Aggravation, or more desirous of bringing the Perpetrators of those Villanies to the Punishments they so justly merit; And I have the Satisfaction to know that every vigorous Step was taken by me on that melancholy Occasion, which the Law would Warrant. For the better securing of the Publick from any further attempts of those audacious People, the assembly at my Instance extended to this Province the Riot Act of the 1st of George the 1st. I did not lose a moment's time in Writing the Magistrates of Lancaster, York and Cumberland, commanding and enjoining them in the Warmest Terms to use their utmost Endeavours to discover and apprehend the Offenders, and by a Proclamation issued by me at the same time, very high Rewards were offered to those who should make such discoveries. It is greatly to be lamented that those Measures were not attended with the success so much desired and expected from them. No one could be found who had Virtue or Resolution enough to give the Officers of Justice any information in the matter, to which it is owing, and not to the Debility of the Government, that Justice has not long since overtaken the murderers.

"The Orders I then gave, and the Rewards offered, were not limited to any time, but still carry with them the same Obligations and Inducements they ever had. In my Station I conceive nothing more can be done without doing an Act of Violence to the Constitution, which commits the immediate Administration of Justice wholly to the Magistracy, and I am persuaded, Gentlemen, that you are the last Persons who would advise me to extend my Power in any Case beyond the Bounds prescribed by the Laws of the Land. I have heretofore taken occasion to urge to Sir William Johnson the necessity of establishing a general Boundary with the Indians, and shall take the earliest opportunity of communicating to his Excellency General Gage and Sir William Johnson, that part of your Message relative to the compleating with the Indians an agreement respecting such Boundary, but at the same time I think myself obliged in Justice to those worthy Gentlemen, to acquaint you, that to my certain Knowledge it is not owing to them that this Cause of complaint and Uneasiness with the Indians has not been long ago removed.

"JOHN PENN.

"January 25th, 1768."

At a Council held at Philadelphia on Thursday 28 Jan^{y} 1768.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}.

William Logan, Benjamin Chew, } Esquires.
Richard Peters, James Tilghman, }

The Governor laid before the Board a Message from the Assembly, which he received yesterday, with the Bill for removing the People settled on the Indian Lands. The said Message was read, and is as follows, viz^{t}:

A Message to the Governor from the Assembly.

" May it please your Honour:

" After taking into our serious consideration the Bill entituled 'An Act to remove the Persons now settled, and to prevent others from settling on any Lands in this Province not purchased of the Indians,' with your Honour's proposed Amendment, and Message of the 23d Instant, it is with real concern we have found ourselves under the necessity of differing in Sentiments with you in a matter of so much importance to the Peace and Safety of the Province. Could we conceive your Amendment to be either reasonable or necessary, we should have adopted it without the least Hesitation, but as, in our opinion, the Bill, in its present form, is adequate to the mischiefs intended to be remedied, and had we acceded to your proposed amendment, we shou'd have involved the innocent with the guilty, by imposing the severest Penalty on a Person for doing an Act which there is no Reason to suspect can give the Indians the least discontent, we thought the Bill would better answer the Purposes intended without it.

" That our Reasons for this disagreement in opinion with your Honour may be rightly explained and understood, we beg leave to observe, that the House, from an earnest desire to remove the cause of the Indian Jealousy and discontent, arising from the Settlement of their Lands, prepared a Bill, and by the first Clause thereof inflicted the Penalty of Death on all Persons settling on any Lands not purchased of the Indians; but as they were informed that there are a number of Settlers on the communications through this Colony to Fort Pitt, under the Permissions of his Majesty's Generals for the Accommodation of his Troops in their Marches, and, as George Croghan, Esquire, Deputy Superintendent of Indian affairs, had likewise made a Settlement near Fort Pitt, with the Assent of the Six Nations, where he generally resides when sent to that Country on the business of the Crown, none of which Settlements had ever been objects of the Indian complaints, we thought it highly expedient and necessary to except them in the Bill. The

Proviso relating to the latter, is in these Words: 'Provided always, that nothing herein contained shall be deemed or construed to extend to a Settlement made by George Croghan, Esquire, Deputy Superintendent of Indian Affairs, under Sir William Johnston, on the Ohio, above the said Fort, by the consent and approbation of the Six Nations.' To this Proviso your Honour was pleased to send down the following Amendment: 'Dele the Words [by the Consent and approbation of the Six Nations], and insert the words [where the said George Croghan Esquire, as Deputy Superintendant, hath of late held Conferences with the Indians, so as no *Enlargement* or *Addition* be made to the *Improvements* thereon, at the time of passing this Act, nor any more Families be seated on the same].' To leave out the Words Objected to we chearfully agreed, because, altho' we have no doubt that this Settlement was made by Mr. Croghan with the Assent of the Six Nations, yet as we had not the Proofs before us to convince you of the Fact, we did not think them of Consequence sufficient to be insisted on, but as to the other parts of the Amendment for the following, which we think important Reasons, the House adhered to the Bill.

"Because we have never understood that the Settlement long since made and well known to his Majesty's Generals and Sir William Johnson, has ever been disapproved of by them, nor have we heard, or do we believe, that it is the least Cause of Indian Discontent, and therefore we could not perceive that it could answer any good Purpose to restrain Mr. Croghan from making any 'Enlargement or Addition to the Improvements thereon.' Besides, we are apprehensive, should the Government too strictly counteract the Approbation of the Indians with respect to this Settlement, it might, at this critical Juncture, tend rather to increase than remove their dissatisfaction.

"And because we cannot presume that Mr. Croghan would do any Act whatever that might give the least Umbrage or uneasiness to the Natives under his immediate Superintendance; the Commission he holds, the Address and Fidelity with which he has always executed that Commission, and the eminent Services he has rendered the Nation and its Colonies in conciliating the Affections of the Indians to the British Interest, forbid the suspicion. To restrain, therefore, that Gentleman from making any enlargement or Addition to the Improvements already made on this Settlement, and thereby to render him liable to the Penalty of Death for an Act which perhaps may be necessary for the more convenient transacting the business of the Crown, and which can by no means be productive of the Mischiefs intended to be obviated by the Bill, would be a Severity, in our Opinion, entirely unnecessary, and as unreasonable as unmerited.

"Thus much we have thought proper to offer in Vindication of our disagreeing with you on your proposed Amendment; And with Respect to your Honour's apprehension, 'that there might be an

opening left for the People intended to be removed, to sit down on the Lands excepted by the Bill,' We beg leave to say, that it appears to us very improbable that the Settlers who shall be removed from their present settlement, will transfer themselves and Families to the Lands settled by Mr. Croghan, as those Lands are all in the Vicinity of Fort Pitt, and no Settlements can be made thereon without the Consent or Connivance of the Officer commanding that Garrison. To presume either of which, would be injurious to his public Reputation. However, to remove your Honour's Objection on this Head, and that a Bill of so much consequence to the public Welfare may be no longer retarded, we will agree to insert in the bill, instead of the Amendment proposed in your Message, the following Proviso:

"*Provided, also,* that if any person who shall remove off and from the Lands not excepted as aforesaid, or elsewhere, to the Lands on which the said George Croghan, Esquire, has made the Settlement aforesaid, and shall there reside and Settle, to the Annoyance and Dissatisfaction of the Indians, every such Person shall be, and is hereby declared to be Offenders within the Intent and meaning of this Act, and liable to the Penalty herein before directed to be inflicted on Persons Settling on Lands not purchased of the Indians as aforesaid, after the Notice aforesaid.

"Signed by Order of the House,

"JOSEPH GALLOWAY, *Speaker.*

"January 27th, 1768."

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The Board taking the above Message into Consideration, and not thinking it advisable to adopt the Proviso proposed therein by the House, unless they would agree to strike out the Words "to the Annoyance and Dissatisfaction of the Indians," were of Opinion that the Bill should be returned to the Assembly, with a Message from the Governor, acquainting them that he would be willing to pass it with that Proviso, omitting those Words, and expunging from the Bill the Words "by the Consent and approbation of the Six Nations." The following Message was accordingly drawn, and being approved, the Secretary was directed to carry it to the House, with the Bill for removing the Settlers on the Indian Lands."

A Message from the Governor to the Assembly.

"Gentlemen:

"The Addition you propose in your Message of Yesterday, to the Bill entituled "An Act to remove the Persons now Settled, and to prevent others from Settling on any Lands in this Province, not purchased of the Indians, is, in my Opinion, so far from answering

the Purpose of deterring Persons from removing themselves to, and settling on the unpurchased Lands where Mr. Croghan has made a a Settlement, and usually resides when he transacts business with the Indians, that it may rather be considered as an Encouragement to them. The Offence, by the Addition proposed, does not consist in settling these Lands, unless such settlements shall be "to the Annoyance and Dissatisfaction of the Indians," so that all Lawless Intruders will be at liberty to take possession of and improve them in the first instance with Impunity, and whether it may or may not annoy or dissatisfy the Indians in general, may be a Question of extreme difficulty, and which perhaps may not admit of such legal Proof as to bring the Settlers to condign Punishment under this Law, till an Indian War (the Evil we are guarding against) has actually taken place. For this reason I cannot help thinking, that the Amendment contained in my written Message of the 25th Instant, much better adapted to the good End we both seem to have in view, than the new Proviso you would add to the Bill. The material difference between us is occasioned by the words of your Proviso [to the Annoyance and Dissatisfaction of the Indians,] which I conceive makes the Crime too depend on facts scarcely capable of full proof, I am therefore in hopes on coolly considering the matter, you will be inclined to wave the Expressions in the Proviso, which if you think proper to do, I will pass the Bill with the rest of your Proviso, after expunging the words you agreed to leave out in your answer to my first amendment. Should you however, Gentlemen, on this point differ in Sentiment with me, to prevent the miscarriage of a Bill of such general Consequence, upon which the Peace of the Colonies may in a great measure depend, I will consent to pass it on the Amendment you first acceded to.

"JOHN PENN.

"January the 28th, 1768."

A Bill entituled "An Act for the relief of the Poor," sent up yesterday by the House for the Governor's Concurrence, was also laid before the Board and referred to further Consideration.

Mr. Peters and Mr. Logan, having by the Governor's desire prepared a Message to be sent by the Indians now in Town from Wighaloosin, viz^{t}: Zaccheus and his Family, to the Indians residing at Wighaloosin and the upper parts of the Susquehanna, the same was approved and Signed by the Governor, and the Secretary was directed to affix the Lesser Seal to it, and to deliver it with two Belts of Wampum to the Charge and care of the said Zaccheus. The said message is as follows, viz^{t}:

"*The Honourable JOHN PENN, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, and Sussex, on Delaware.*

"*To our Indian Brethren at Wighaloosin, on the River Susquehanna, Greeting:*

"Brethren:

"We have the Pleasure to see in this City the Indian Zaccheus, and some other Indians with him. They came on a friendly visit, and we have received them like Friends and Brethren.

"Brethren:

"We have just now received a very disagreeable Piece of News. Some Indians have lately been Murdered at Middle Creek, not far from the Island called the Mahoney, in the River Susquehanna, about 7 or 8 miles from Shamokin.

"Our Treaties of Friendship oblige us to acquaint our Brethren with every thing that happens, especially if it relates to Life, or any hurt and violence done to our Persons or Properties. We shall, therefore, openly and affectionately relate this Matter to you just as we received the account of it by a Person of Reputation, living in the Neighborhood where the Murder was committed.

"Two or three families of Indians, namely: an Indian called the the White Mingo, another called Cornelius, another called Jonas, another called John Cammell, three Indian Women, two Girls, and a Child, removed from the Big Island in the Spring, and came and built themselves Cabbins on Middle Creek, about fifteen miles up the said Creek; there they lived and hunted, and were in a very friendly manner with the White People thereabouts, and were always well received and kindly treated by them.

"About Ten days ago they were at Mr. William Blyth's, who lives at the Mouth of Middle Creek, who treated them kindly, and from his House they went to one Frederick Stump's, a Dutchman, who lives in that neighborhood; there it issupposed that some difference happened, but what it was we have not heard, but they were all found murdered, Six of them in Stump's own House, and four in a Cabin at some distance from Stump's House, and I am further informed Stump says he killed them all with his own Hands, and that there was no other Person concerned with him in this Act.

"Brethren:

"On my receiving this melancholy Account, the Sheriffs were immediately sent with Officers to take up this Stump as the Murderer, and for their Encouragement I offered a Reward of Two hundred Pounds, to be forthwith paid to any Person or Persons who should apprehend Stump, the murderer; and I am in hopes he is by this time taken, and no time shall be lost to bring him to a Trial, that he may suffer Death in the same manner as he would do if he had killed so many White Men.

"Brethren:

"I can consider this matter in no other light than as the Action of a wicked, rash man, and I hope you will also consider it in the same way, and not believe that since it was done by one man, in the manner I have related, that any other White Men were concerned in it, or that it has been any ways encouraged by any of my People; I assure it has not.

"Brethren:

"There are among you and us some wild, rash, hot headed People, who commit Actions of this sort; Whenever it so happens, all that can be done is immediately to acquaint each other of these things, and to bring the Offenders to Justice, that it may make no Breach between us, but be considered as a rash, sudden Act, that could not be prevented, And we now inform you that we have sent off Messengers to Sir William Johnston and to our Indian Brethren, the Six Nations, to inform them of this wicked Murder, & how it happened, with intent that it may not break the Friendship subsisting between us and the Indians, but that we may live together and love one another as we did before this melancholy accident happened. This Belt of Wampum confirms my words.

A Belt.

"Brethren:

"We desire that this Belt of Wampum may be sent forward by Zaccheus, or any other Indians that shall chuse, to the Indians living up the Susquehanna, and particularly to those who live at the North West branch, which runs into the Susquehanna at Diahogo, or Tohickon, because we are informed that the White Mingo, and some of the other Indians, came from some Town on that Branch.

"Brethren:

"I desire you will particularly assure our Indian Brethren in my name, that this matter gives as much Trouble and grief to our Hearts as to theirs, and that notwithstanding this wicked Action, we love our Brethren as well as formerly, and shall spare no Pains to bring the Murderer to the Death he deserves.

A Belt.

{ Locus Sigilli. } "Given under my Hand and the Lesser Seal of the Province of Pennsylvania, at Philadelphia, the twenty-eighth day of January, 1768.

"JOHN PENN.

"By his Honour's Command.

"JOSEPH SHIPPEN, Junr, Secretary."

The Indian, Zaccheus, having complained to the Governor that he and his Family, consisting of 9 Persons, were very Poor, and Petitioned for some Cloaths and Necessaries, His Honour directed that they should be furnished with what was sufficient for them, and they were accordingly presented with the following Articles, Vizt:

"10 Shirts, 15lb. Lead, 1 dozen Cotton Romal Handks, 8 Blankets, 4lb. Powder, £20 in Cash, 10 pr. Indn. Stockings, 2 Brass Kettles."

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Friday, 29th January, 1768, 5 o'Clock, P. M.

MEMORANDUM:

An Express arrived this moment with a Letter to the Governor from Edward Shippen, Esquire, at Lancaster, with Intelligence of Frederick Stump's being taken, and secured in the Gaol of Cumberland County, which Letter was immediately laid before the Assembly for their perusal, and follows in these Words, vizt:

"LANCASTER, 28th January, (Noon), 1768.

"Honoured Sir:

"As soon as the Magistrates of this County received the honour of your directions, by Mr. William Blythe, for apprehending of Frederick Stump, The Sheriff and Coroner went off with the Copy of the said directions to James Burd, Esquire, and these Officers are now returned, and inform us that the murderer of the Indians is taken by young Captain Patterson, with a Party of twenty Men, and secured in Carlisle Gaol, that on our said Officers return to Mr. John Harris's, Mr. Burd being there, they sent an Express over to the Sheriff of the County of Cumberland, desiring him to bring Stump to them, and they would take care to convey him safely down to Philadelphia, in order to be examined; but he wrote them for Answer, that he could not do that, for Reasons which he should immediately send by Express down to his Honour the Governor. The Magistrates who live in this Borough, thought it advisable to send your Honour this News by Express, who is to set off after his Horse is Shod.

"I am Your Honour's affectionate Friend,
"and most humble Servant,
"EDWD. SHIPPEN.

"To the Honble JOHN PENN, Esquire, Governor."

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At a Council held at Philadelphia, on Saturday 30th Janr. 1768.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Benjamin Chew, Lynford Lardner, & James Tilghman, } Esquires.

The Bill entituled "An Act for the relief of the Poor," was read and considered, and the Board being of Opinion that it re-

quired several Amendments, the following ones were made and agreed to, and the Bill was ordered to be returned to the Assembly with the same, as soon as they should meet on Monday next.

Amendments to the Bill entituled "An Act for the relief of the Poor:"

"Page 2, Line 3, Instead of the word [and], insert the word [or].

"Page 21, Line 3. after the word [the], insert the words [District of Southwark, the].

"Page 27, Line 7. instead of the word [Twenty], say [Ten].

"Page 30, Line 5. instead of [monney] say [money].

"Page 38, line 1. instead of [Six] say [Twelve].

"Same Pa., Line 10. after the word [reside] insert the word [and].

"Page 41, Line 7. instead of [Justicis] say [Justices].

"Page 42, Line 3. after the word [shall] add the Words [after the Date of such Certificate].

"Same Pa., Line 7. instead of the Word [perscribed] say [prescribed].

"Same Pa., Line 10. after the word [Borough] insert the word [or]

"Page 43, line 7. after the word [City] add the words [other than the Mayor or Recorder].

"Same Pa., Line Anti penult. after the word [City] insert [other than the Mayor or Recorder].

"Same Pa., Penult Line. instead of [Per] say [Persons].

"Page 44, Line 4. after the word [the] insert the word [said].

"Page 45. Dele from the word [the] in the first Line to the word [and] in the fourth Line, and instead thereof insert the words [next general Quarter Sessions of the Peace to be held for the City or County from which the Person or Persons shall be so removed, and that the said appeal shall be prosecuted and determined in the General Court of Quarter Sessions of the Peace for the City or County respectively, where such Order of removal shall be made].

"Same Pa., line 5. Instead of the word [Justices] say [Court].

"Page 46, Line 8. after the word [same] add as follows: [Provided always, and be it further enacted by the Authority aforesaid, that none of the Magistrates or Justices who shall sign any Order for the removal of a Poor Person or Persons shall, on the hearing any Appeal from such Order, sit or Vote in the Court of general Quarter Sessions of the Peace for the City, Borough, or County to which such Appeal shall be made].

"Page 59, Line 1. Dele the words [of the Poor].

"Same Pa., Line 10. Dele the words [and if].

"Page 62, Line 2. instead of the words [the next] say [their].

"Same Pa., Line 9. instead of the word [Wines] say [Wives].

"Page 63, Line 13. instead of [Prophets] say [Profits].

"Page 65, Line 14. instead of [Wife] say [Mother]."

The Governor laid before the Board *A Petition* from a very considerable number of the Inhabitants of Berks County, setting forth that if a Provincial Road was laid out in the most convenient places, from the Town of Reading, in the said County, to Fort Augusta, it would greatly tend to advance the Trade and Commerce with the Indians who are Settled at the heads of the Susquehanna River, and to preserve the Friendship and Peace with them, and would, also, save great charge and Expence in Transporting Skins and Furs from thence, as the distance from that Fort to Philadelphia, by way of Reading, is much shorter than any other, and therefore, praying the Governor in Council, to appoint proper Commissioners to lay out a King's High Way, or Public Road from the said Town of Reading to Fort Augusta, and to direct Measures to be taken for opening and clearing the same.

The Board taking this matter into Consideration, are of Opinion that such a Road will be of very great Public Utility, but that as part of the Country through which it would pass to Fort Augusta, is not yet purchased of the Indians, a Road ought not to be opened beyond the Line of the last Purchase.

It is, therefore, *agreed* and ordered that a Provincial Road be laid out from the said Town of *Reading*, through the County of Berks, in the most convenient and direct Courses, towards Fort Augusta, as far as the said Line, or to such part of the River Susquehanna, between the Mouth of *Mahonoy Creek*, and where the said Line intersects the said River, as may be found to be of the greatest public use and convenience. And the Board do accordingly appoint and order Jonas Seely, John Patton, Henry Christ, James Scull, Frederick Weiser, Benjamin Spycker, Mark Bird, Christian Laur, and Thomas Jones, Jun^{r}, or any Six of them, to lay out the same Road, and make a Return of the Courses and Distances thereof, into the Provincial Secretary's Office, within Six Months from this day, in order to be confirmed by the Governor and Council, if the same shall be approved.

A Committee of two members of Assembly waited on the Governor and presented him a Bill for his Concurrance, entituled "An Act for incorporating the Society known by the name and Stile of the Philadelphia Contributionship, for the Insuring of Houses from Loss by Fire, to ratify and confirm the Articles of Agreement of the Contributors, and to enable them to make suitable By-Laws for the better management and prosecution of the said design."

Mr. Hillegas, one of the said Members, then acquainted the Governor that the House were about framing a Lottery Bill, for raising a sum of money for purchasing a piece of Ground on the River in the Northern Liberties for a Public Landing, &ca., and presented him for his approbation, a List of Persons proposed for managers of the said Lottery, viz^{t}: Thomas Salter, Philip Syng, Samuel Miles, John Chevalier and Peter Knight. The Governor made answer that he should consider of them, and let him know at a future time whether he approved of them.

Tuesday 2d of February, 1768.

MEMORANDUM.

The Governor was informed that Frederick Stump and his Servant, who were Committed to the Gaol at Carlisle on the 23d Ultimo, were still detained there, contrary to the express Orders of the Chief Justice's Warrant, which required that the said Stump should be brought to Philadelphia to be examined before one of the Justices of Oyer and Terminer, and no Letters being as yet received, either from the Magistrates or Sheriff of Cumberland County on that Subject, His Honour, by the advice of the Members of Council, wrote the following Letters to the Sheriffs of Cumberland, Lancaster and Chester, ordering them to bring the said Frederick Stump and his servant John Ironcutter, forthwith to this City, agreeable to the Warrant of the Chief Justice.

A Letter from the Governor to the Sheriff of Cumberland County.

"PHILADELPHIA, 2d of February, 1768.

"Sir:

"I am altogether at a loss to conceive the reason why you have not e'er this, in obedience to the Chief Justice's Warrant, brought Frederick Stump to Town in order to be examined, or at least delivered him to the Sheriff of Lancaster. For if in this important matter you shall be found to be delinquent, you may expect to be called to the strictest Account. Whatever reasons may have hitherto induced you to retain the said Stump at Carlisle, you are immediately, upon notice given you by the Sheriff of Lancaster, of the time when he will be ready to receive him, to proceed with him under a proper Guard to the Verge of your County, and there deliver him into the Custody of the Sheriff of Lancaster County. But in Case you shall have reason to suspect any attempt to rescue the Prisoner, you are to retain him at Carlisle, and give me immediate notice by Express, of the reasons of your Apprehension.

"I am Sir,

"Your most Obedient humble Servant,

"JOHN PENN."

P. S. "As Ironcutter, the Servant of Stump, is apprehended as an accomplice with his Master in the Murder of the Indians, he is also to be sent down.

To JOHN HOLMES, Esquire, Sheriff of the County of Cumberland.

A Letter from the Governor to the Sheriff of Lancaster County.

"Sir:

"I send the Bearer Express to the Sheriff of Cumberland, ordering him to deliver forthwith into your Custody the body of Frederick Stump and his Servant, Ironcutter. You are therefore,

upon the Receipt of this, to give him immediate Notice of the time you will be ready to receive them at the Verge of your County, and upon receipt of the Prisoners, you are to convey them immediately, under a proper Guard, to the Borders of Chester County, where I expect the Sheriff of that County will meet you, in order to receive the Prisoners into his Custody; but if by any Accident the Sheriff of Chester should not meet you at the Verge of that County, you are to lose no time in waiting for him, but are to proceed with the Prisoners directly to this City; And if you shall have any reasons to suspect an attempt to rescue the Prisoners, you are to retain them in your Gaol, and give me Notice by Express of the reasons of such your apprehension.

"I am, Sir, Your most Obedient humble Servant,

"JOHN PENN.

"To JAMES WEBB, Junr, Esquire, Sheriff of the County of Lancaster."

—

A Letter from the Governor to the Sheriff of Chester County.

"PHILADELPHIA, 2d February, 1768.

"Sir:

"I inclose you the Copy of a Letter which I send by Express to the Sheriff of Lancaster, respecting the bringing Frederick Stump and his Servant, Ironcutter, charged with a late murder of 10 Indians, to this City, to be examined by one of the Justices of Oyer and Terminer. You will perceive therein, that he is directed to deliver the Prisoners into your Custody at the Verge of your County, where I desire you will attend and receive Stump and Ironcutter into your Charge, and immediately bring them under a sufficient Guard to this City.

"As the Time is at present uncertain when the Sheriff at Lancaster will be down with the Prisoners, I must leave to your discretion the means of settling with him the day you are to meet him, to avoid your being put to the Trouble and Expence of waiting unneecessarily at the Borders of the County. Perhaps it might be the most expedient for you to dispatch one of your Deputies to Lancaster, that he may be ready to come Express to you on the Occasion.

"I am, Sir,

"Your most Obedient humble Servant,

"JOHN PENN.

"To JOHN MORTON, Esquire, Sheriff of the County of Chester."

MEMORANDUM, Tuesday 2d February, 1768.

A Committee of two members of Assembly waited on the Governor, and presented him for his Concurrence three Bills, entituled as follows, viz^{t}:

"An Act to continue an Act, entituled 'An Act for laying a duty on Negro and Mulatto Slaves imported into this Province.'"

And another Act entituled a Supplement to "an Act entituled 'An Act for laying a duty on Negroe and Mulatto Slaves imported into this Province.'"

"An Act for raising by way of Lottery the Sum of £5,250 for the purchasing a Public Landing in the Northern Liberties, and paving the Streets of the City of Philadelphia.

The same Members also brought up the Bill for the relief of the Poor, with the following answer of the House to the Governor's amendments thereto, viz^{t}:

1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th. Amendments agreed to by the House.

11, 12. The House adhere to the Bill.

13, 14. Agreed to by the House.

15, 16. The House adhere to the Bill.

17, 18, 19, 20, 21, 22, 23. Agreed to by the House.

By the last Post the Governor received a Letter from his Excellency General Gage, dated the 26th Ultimo, which was ordered to be entered on these minutes of Council, and is as follows, viz^{t}:

A Letter to the Governor from his Excellency General Gage.

"New York, January 26th, 1768.

"Sir:

"I have been favoured with your Letter of the 21st Instant, with the Deposition of William Blythe, concerning the murther of a Number of Indians, by one Stump, a German. Such an event, at this Juncture, makes me very uneasy for the Consequences that we have Reason to fear will ensue, tho' you have taken every measure in your Power to avert the Resentment of the Indians. If this Villain can be apprehended and brought to Punishment, in presence of some of the Indians of the Tribe to which those who have been killed belonged, they may possibly, with the Addition of a few Presents to their Relations, be Pacified, and the Vigorous measures now taken by your Assembly to remove the Settlers on the Waters of the Monongahela from their Encroachments, must convince the Savages of our sincere desires to do them Justice on all occasions. You will by the Spring be able to Judge in what manner it will be proper to proceed against those Vagrants, and I shall have the Troops in readiness to give you every Assistance that you can require from them.

"I have the Honour to be, with great regard, Sir,

"your most Obedient, humble Servant,

"THO^{s}. GAGE.

"Hon^{ble}. L^{t}. Gov^{r}. Penn."

Eodem Die, P. M.

An Express arrived from Carlisle, with a Letter to the Governor from John Armstrong, Esquire, dated the 24th Ultimo, which was immediately laid before the Assembly for their perusal, and follows in these words, viz^{t}:

A Letter to the Governor from John Armstrong, Esquire.

"Carlisle, 24th January, 1768.

"May it please your Honour:

"Your Honour's Orders of the 19th Instant, together with the Chief Justices' Warrant, came to hand yesterday afternoon. This most Barbarous Murder, Pregnant as it is with every gloomy appearance, as well to the Publick as to many helpless Families, you very justly conceive of.

"Agreeable to these apprehensions, as soon as the report came here, altho' at second hand I did, with the advice of a number of the Magistrates, write for and immediately send off the Coroner, not only to do his Office, but to use every possible mean, whether by Stratagem or Force, to bring in Frederick Stump and his Servant man, hoping, at the same time, that unless Men were lost to Reflection and the Laws of Society, the thing would not be to do when the Coroner should get there, accordingly, to our great Satisfaction whilst in Obedience to the Orders of Government, we were fixing out the Sheriff, together with William Lyon, James Maxwell, and John Allison, Esquires, who were to have a proper Guard, Stump and his man were brought into this Town about 8 O'Clock, P. M., by Cap^{t} William Patterson and about Twenty young Men, Inhabitants of Juniata, who did this good Act, and the Sheriff sets out with the Criminals to-morrow morning. I hope the Coroner, who has not yet time to return, nor did the Party meet him, will also be enabled to do his Office. I told him to bury those said to be under the Ice, at least in two Graves, and also sent a Message to Patterson before he came here, provided the Fellows were taken, that if any Indian were in them parts, he should immediately be dispatched to the great Island, or next party of Indians, to assure them that the Government would do them Justice; accordingly, he tells me, he has sent one Gershom Hicks, formerly a Prisoner with the Indians, and have also advised, that if a second messenger can be got, he may be sent to shew the particular care your Honour has taken on the occasion, but this last I hope may be better effected by Blyth on his Return home, if any Indians there be about him. We have not attempted any formal Examinations here, but the Fellows frankly acknowledge that they were the only perpetrators at both Places, Stump killing nine of the Indians, and the Servant One, but have formed a similar Story, touching the conduct of the Six Indians at

Stump's House, and the necessity he was under to kill them, which I take to be false. The Report of the Coroner shall be transmitted by the first Opportunity after his return. Sundry Families are fled off of the Susquehanna, near to Stump's, yet I think the Indians will consult before they attempt Hostilities, but am afraid they may strike before any proper state of this matter can be sent them.

"I am your Honour's most Obedient humble Servant,

"JOHN ARMSTRONG.

"Governor PENN."

—

"28th Instant, the Magistrates Letter to the Chief Justice, will shew the Coroners disappointment, as well as that of my own expectations, when I wrote your Honour as above, respecting the speedy removal of the Prisoners to Philadelphia; We are most sincerely anxious and deeply affected why a punctual compliance with your Honour's Orders, and the Warrant of the Chief Justice, in regard of sending Stump to Philadelphia for Examination, &ca., should meet with any appearance of reluctance or disobedience upon our Parts, which is far from facts, but the Truth is humbly rested in your Honour's confidence, that by certain means an Alarm is raised in the Minds of many, touching their Priviledges in this and in any future case, which they alledge would be infriuged by this Measure, as they take it for granted, that these Men would not be remanded for Tryal to the County where the Fact was committed, but the whole Process carried through at Philadelphia, and these Opinions and uneasiness I understand, are founded chiefly on the Judgment of some Person supposed to be learned in the Law, so that on the whole, we have not had it in our Power to do otherwise than we have done, without a manifest Risque of complicated Evil, as will more fully appear by the Letter now sent the Chief Justice; The Sentiments of the Magistrates expressed in that Letter, as they respect the Safety of the Prisoners here, and desire of the People that Justice may be distributed to them, I think you may fully rely on, and also upon any thing in our Power to do in aiding the Sheriff, should the sending down of these unhappy men be thought indispensible; I have not rested from this affair since last Saturday at one O'Clock, and ought now to have been in Town had not these Troubles arose.

"J. A."

At a Council held at Philadelphia, on Wednesday 3d February, 1768.

PRESENT :

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

Richard Peters, William Logan, Benjamin Chew, James Tilghman, } Esquires.

The Letter from John Armstrong, Esquire, of the 24th Ultimo, was read, and the Governor, by the advice of the Board, returned the following Answer thereto, which was immediately dispatched, with the Letters wrote yesterday to the Sheriffs, by an Express :

"PHILADELPHIA, 3d February, 1768.

"Sir :

"The moment I received your Letters of the 24th and 28th Ultimo, I was sending off an Express to your Sheriff, with positive Orders to bring the Bodies of Frederick Stump and his servant, Ironcutter, to the Verge of your County, and deliver them to the Sheriff of Lancaster, that they may be conveyed forthwith, agreeable to the Chief Justice's Warrant, to this City for Examination. I find no reason, from your Letter, to countermand the above Order, and therefore expect that absolute Obedience be paid to it. Time will not, at present, admit of my saying more on this Occasion, than that I am astonished at the impertinent insolence of those who have taken upon them to Suggest or even to suppose that the Government or Judges intended to do so illegal an Act as to Try the Prisoners in any other County or place than where the Fact was committed; and that, if the inferior Officers of Government are with Impunity suffered to controul or counteract the Proceedings of their Superiors, there will not only be an end of all Subordination and Order, but of Government itself.

"I am, Sir, your most Obedient,
"humble Servant,
"JOHN PENN.

"To JOHN ARMSTRONG, Esquire, at Carlisle."

The Bill for the relief of the Poor, with the Assembly's Answer to the Governor's Amendments, were considered, and the Secretary directed to return the Bill to the House, with the following Reply, viz^t :

"The Governor adheres to his 11th, 12th, 15th, & 16th Amendments."

The Bill entituled "An Act to continue An Act entituled 'An Act for laying a Duty on Negroe and Mulatto Slaves imported into this Province,'" was read, and the Board having no Objection thereto, it was ordered to be returned to the House with the Governor's Assent.

The Governor laid before the Board a Message he received last Night from the Assembly, which was read, and is as follows, viz^{t} :

A Message to the Governor from the Assembly.

"May it please your Honour:

"We are obliged to you for laying before the House the Accounts you have received relating to the unprovoked Massacre of the Indians on Middle Creek. The Intelligence you have given us of the Murderers being apprehended, affords us great Satisfaction, but we cannot help being surprized at the Rash and insolent Conduct of some of the inferiour magistrates in Cumberland, (which appears from their own Letters), in Combining to disobey the King's Process. Instead of permitting the Sheriff to bring down the Offenders to this City, as by the Warrant expressly commanded, they have presumed to commit them to Carlisle Gaol, and thereby prevented his obeying the Precept.

"No motives whatever, we conceive, can Justify or Countenance those Gentlemen in not only thus Superceding the Process of the chief Justice, but acting in open Contempt of your Orders. We, therefore, think it our duty to press your Honour to take the most effectual Measures to enforce an immediate and punctual Obedience to the King's Writ, and to call the Magistrates to account for their extraordinary behaviour, and should they be incapable of giving you Satisfaction in that Point, to remove them from their Offices. Nor do we think the Neglect of Duty in the Sheriff and Coroner of the County, should pass unnoticed, for should such a daring Insult on the Powers of Government be permitted, by those who ought to support them, to go unpunished, or at least unaccounted for, it cannot fail in the end to involve the Province in confusion, and Subvert all order and Authority.

"Signed by Order of the House,

"JOSEPH GALLOWAY, Speaker.

"February 2d, 1768.

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The Bill entituled "An Act for incorporating the Society known by the name and Stile of the Philadelphia Contributionship for the Insuring Houses, &c^{a}-" was then read and agreed to, and returned to the Assembly with the Governor's Assent.

Then was read the Bill entituled "An Act for raising by way of Lottery, the Sum of £5,2[illegible]0, for the purchasing a public Landing, &c^{a}-" which was referred to a future Consideration.

Council Chamber, 1 o'Clock, P. M.

A Committee of two Members of Assembly having this forenoon waited on the Governor with a Message from the House, requesting His Honour would be pleased to appoint a time for passing the Bill for removing the People settled on the Indian Lands, and his Honour having appointed to receive the House for that purpose, at this Hour, sent them a Message by the Secretary, requiring their attendance in the Council Chamber.

The House accordingly attended, and the Speaker presented to the Governor the Bill entituled "An Act to remove the Persons now Settled, and to prevent others from Settling on any Lands in this Province not purchased of the Indians," which His Honour enacted into a Law, and appointed a member of Council to accompany a Member of the House to see the Seal affixed thereto, and to deposit the Law in the Rolls Office.

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Eodem die, 2 o'Clock, P. M.

An Express arrived with Letters to the Governor from Edward Shippen and John Armstrong, Esquires, with the disagreeable Account of the Rescue of Frederick Stump and his Servant, out of the Gaol at Carlisle on the 29th Ultimo, by a party of Armed Men. His Honour immediately sent the said Letters to the Assembly for their perusal, the latter of which was ordered to be entered upon the Minutes of Council, and is as follows, viz^t^:

A Letter to the Governor from John Armstrong.

"CARLISLE, 29th January, 1768.

"Honoured Sir:

"In this Perturbation of Mind, I cannot write, but in real distress, only inform your Honour that we are deceived and disgraced at once; for about ten o'Clock this Morning, to the Number of Seventy or Eighty Men, under Arms, surrounded our Gaol, when a Number of them, unknown to the Magistrates, I must say, appears to have had but too ready entrance into the Dungeon, and in less than ten Minutes time they carried off Stump and his Servant, in open Triumph, and violation of the Law.

"The few magistrates that were present, Messieurs Miller, Lyon, and myself, have, I hope, obviously enough done our Duty, but whilst we were engaged at the Prison Door exerting ourselves both by Force and Argument, a Party, utterly without our knowledge, was in the Dungeon, of which we were not acquainted either by the Jaylor or any other Person, who, before we were Aware, had the Prisoners in the open Street, where we were unable to make farther opposition, and gone in less than a Second.

"The Jaylor says that a Pistol was held at his Breast, and this is all we can at present say of that Circumstance.

"These Rioters give as Reasons of their Conduct, that the Prisoners were to be carried to Philadelphia for Tryal; that a number of White Men have been killed by the Indians since the Peace, and the Indians have not been brought to Justice, &c^a &c^a

"At present we know not what Step to take for the best, and beg to be favoured with your Honour's farther Instructions.

"I have wrote in the presence of the two Magistrates mentioned above, and am

"Yeur Honour's most obedient humble Servant,

"JOHN ARMSTRONG.

"P. S. the bearer, Mr. Cunningham, is a prudent Young Man, knows the State of these things, & may be depended on in any Questions your Honour or the Chief Justice may think proper to ask."

At a Council held at Philadelphia, on Wednesday 3d February, 1768, at 6 o'Clock, P. M.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a

Benjamin Chew, } Esquires.
James Tilghman, }

The Letter received this Afternoon from John Armstrong, Esquire, was read, and the Council desired the Governor to send immediately for James Cunningham, who brought the said Letter, in order to take his Examination respecting the rescue of Frederick Stump and John Ironcutter, but the Secretary immediately afterwards appearing at the Board, informed them that he had just been with Mr. Cunningham, and while he was conversing with him, the Serjeant at Arms came with an Order from the Assembly requiring him to appear before the House, to be examined, and that he was accordingly gone to them; Whereupon, it was Ordered, that he should have notice to appear at the Council to-morrow Morning.

At a Council held at Philadelphia, on Thursday 4 February, 1768.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c.

The Honourable James Hamilton, Esquire.

William Logan, Richard Penn, } Esquires.
Benjamin Chew, James Tilghman, }

Mr. James Cunningham from Carlisle being sent for by Order of the Governor, appeared at the Board, and was immediately examined, with regard to what he knew concerning the Rescue of Frederick Stump and John Ironcutter from the Gaol at Carlisle, and his Deposition was taken and is as follows:

"The Deposition of James Cunningham, of Lancaster County, concerning the Rescue of Frederick Stump & John Ironcutter, from the Gaol at Carlisle.

"James Cunningham, of Lancaster County, Farmer, being Sworn on the Holy Evangelists of Almighty God, deposeth and saith, that on Friday the Twenty-Ninth day of January last, about Nine or Ten o'Clock in the Forenoon, as he was sitting at Breakfast with John Armstrong, Esquire, in the Town of Carlisle, in the County of Cumberland, he was surprized to see a number of Armed Men surrounding on a sudden the public Gaol in the said Town; the He and the said John Armstrong, apprehending that the said Company were come with an Intention to Rescue from the said Gaol a certain Frederick Stump and John Ironcutter, who were confined there for the Murder of a number of Indians, they both Instantly Ran to the said Gaol in order to prevent if possible the execution of so wicked and illegal a Design. That when they got up to the Gaol, the said John Armstrong made his way through a number of Armed Men, who stood before the Door of the said Gaol, which was open, and Guarded by four Men, who stood within the Door with Arms in their Hands: that the said Armstrong and John Holmes, high Sheriff of the said County, both attempted to go into the Door, of the Gaol, but were several times pushed back and prevented; that as the said John Armstrong stood on the Steps under the Door he addressed himself frequently to the Armed Company who were about him, and used many arguments to persuade them to desist from their Lawless undertaking, and told them, among other things, that they were about to do an Act which would subject themselves and their Country to Misery. That while the said Armstrong was speaking, this Deponent saw one of the Armed men take hold of him and draw him down the said Steps, upon which the said Armstrong by violence pushed back the Person who had hold of him, and regained his Stand on the said Steps, saying at the

same time, that they should take his Life before they should rescue the Prisoners. This Deponent further saith, that while the said John Armstrong, and Robert Miller and William Lyon, Esquire, and the Reverend John Steel, who had joined the said Armstrong, were endeavoring to disperse the said Company, several other Armed Men appeared within side the said Gaol, to the very great surprize of every one, with the two Prisoners above mentioned in their Possession, whom they brought forward, and after pushing the said Armstrong, Miller, Lyons, Steel, Holmes, and this Deponent, by Violence, and crowding from before the said Gaol Door, carried them off with Shouts and Rejoicing, and immediately left the Town.— This Deponent further saith that he cannot with certainty declare what numbers were in the Company which made the said Rescue, but that from the best Judgment he could form, they were Seventy or Eighty, all Armed with Guns and some Tomahocks. This Deponent further saith on his solemn Oath, that he does not know, nor has any Personal knowledge of any one of the Persons he saw in the said Armed Company concerned in the said Rescue, and that after the said Company had left the Town, the Reverend Mr. Steel came to the said John Armstrong and William Lyons and John Holmes, and informed them that the said Rescuers desired they would come to and confer with them at the Plantation of John Davis, to come to some Terms with them. That the said three last mentioned Persons immediately mounted their Horses and went towards the said Davis's, but informed this Deponent on their Return, that the said Company had altered their Resolution and had gone on without waiting for them, and further saith not.

"JAMES CUNNINGHAM."

"Taken and Sworn before the Governor and Council at Philadelphia, before me, Recorder of the City, February the 4th, 1768.

"BENJAMIN CHEW, Recorder."

The Council took this important Matter into their most serious Consideration, and advised the Governor to send immediate Instructions to John Armstrong, Esquire, and the other Magistrates of Cumberland County, with regard to the measures most expedient to be pursued by them on this interesting occasion, for regaining the Prisoners that have been rescued, and bringing them and the Rioters to Justice.

Accordingly a Letter of Instructions, agreeable to the Sentiments of the Board, was drawn at the Table, and dispatched by Express to Carlisle, which Letter follows in these words, viz^{t}:

A Letter from the Governor to John Armstrong, Esquire.

"PHILADELPHIA, 4th February, 1768.

"Sir:

"The information given in yours of the 29th Ultimo, of the Rescue of Frederick Stump and his Servant, gives me the greatest

concern, and is truly Alarming. Perhaps, if the Magistracy of your County had not indiscreetly (to say no more) interposed when the Sheriff was ready to proceed with the Prisoners to Philadelphia, this event, so full of mischievous Consequences, had not happened. However, since Matters have so unluckily fallen out, the best is to be done which the Exigency of the Case requires, and the most probable methods of regaining the Custody of the Prisoners, are now to be pursued. If the People who have gone into this rash and wicked Step, were actuated by the Principles they professed, of preserving their Rights rather than those of screening the Prisoners from the hands of Justice, they will certainly be ready to deliver them up, when they can be satisfied that they will receive their Tryals in the County where the Offences were committed. You will therefore, in the first place, try the expedient of assuring these People (if it can be known who they are) that the Government never entertained the least thought of so illegal an Act as trying them out of the proper County, and that they were ordered down to Philadelphia that the Chief Justice himself might have the Examination of them in a matter of such Consequence, and that they might there be out of the Reach of any attempts to rescue them, which their Friends or Abettors might be disposed to make, till the Time of their Trial. If, upon this assurance, they will retake the Prisoners or deliver them up, it will go a good way towards convincing me and all others, that they, upon a mistaken Notion, took this exceeding Rash, tho' most unwarrantable step, to prevent an Invasion of their Rights. If this measure should fail of the desired effect, and these People should persist in refusing to deliver up the Prisoners, or if they have already permitted their Escape, you are, after waiting a reasonable time for the Results, to proceed immediately in the most active and vigorous manner, as well for apprehending the Prisoners who have been rescued as to procure Testimony on which to found legal Charges against the Rioters, (many of whom, it is more than probable, you and those other Magistrates who were present with you and were Witnesses of the whole Transaction personally knew), for this most daring Insult upon the Laws of the Country; and with the Assistance of the other Magistrates, you are to call before you all such Witnesses as you may think can give any Information of the names of the Rioters, and to take their Examinations, and to issue Warrants for apprehending and securing them, and upon every Occasion which you may think requires it, you are to dispatch Expresses informing me of any material Occurrence, that I may take the measures which I may think necessary; And particularly, you are to dispatch an Express immediately with the answer which the Rioters may give to the Assurance which you are above instructed to make them. I must press you and the other Magistrates, in the most earnest manner, that upon this important Occasion, you exert the utmost Assiduity, Vigour and Activity in your Power, least a failure of Success in our Endeavours to bring the

Prisoners to Justice, should involve the Frontier Inhabitants in the dreadful Effects of an Indian War.

"I am, Sir,
"Your most Obedient
"humble Servant,
"JOHN PENN.

"To JOHN ARMSTRONG, Esquire, at Carlisle."

The Lottery Bill was again considered and referred to a future Consideration.

The Secretary presented to the Board a Letter which he received from Captain William Patterson, acquainting him with his apprehending Frederick Stump and John Ironcutter, and delivering them to the Sheriff of Cumberland, and inclosing a Message he had sent to the Indians at the great Island, which were ordered to be entered on the Minutes of Council, and are as follow, viz^t:

A Letter from Captain William Patterson to the Secretary.

CARLISLE, 23d January, 1768.

"DEAR SIR:

"The 21st instant I marched a Party of nineteen Men to George Gabriel's House at Penn's Creek's mouth, and made Prisoners Frederick Stump, and John Ironcutter, who were suspected to have murdered Ten of our Friend Indians near Fort Augusta, and I have this Day delivered them to Mr. Holmes at Carlisle Gaol.

"Yesterday I sent a person to the Great Island, that understands the Indian Language, with a Talk, a Copy of which is inclosed. Myself and Party were exposed to great Danger by the desperate Resistance made by Stump and his Friends, who sided with him. The steps I have taken, I flatter myself, will not be disapproved of by the Gentlemen in Government, my sole View being directed to the Service of the Frontiers, before I heard his Honour the Governor's Orders; The Message I have sent to the Indians, I hope will not be deemed assuming any Authority of my own, as you are very sensible I am no stranger to the Indians and their Customs.

"I am, with Respect,
"Your most Obedient humble Servant
"W. PATTERSON.

"JOSEPH SHIPPEN, Esquire."

Here follows the Talk sent by Captain William Patterson to the Indians at the Great Island:

"Brothers of the Six Nations, Delawares, and other Inhabitants of the West Branch of Susquehanna, hear what I have to say to you:

"With a heart swelled with Grief, I have to inform you that Frederick Stump and John Ironcutter have unadvisedly murdered Ten of our Friend Indians near Fort Augusta; The Inhabitants of Pennsylvania do disapprove of the said Stump and Ironcutter's Conduct, and as proof thereof, I have taken them Prisoners, and will deliver them into the Custody of Officers that will keep them Ironed in Prison for Trial, and I make no doubt as many of them as are guilty will be condemned and die for the Offence.

"Brothers:

"I being truly sensible of the Injury done you, I only add these few Words with my Heart's wish, that you may not rashly let go the fast hold of our Chain of Friendship, for the ill conduct of one of our bad men. Believe me, Brothers, we English-Men continue the Same Love for you that hath usually subsisted between our Grandfathers, and I desire you to call at Fort Augusta to Trade with our People there for the necessaries you stand in need of. I pledge you my word that no White man there shall molest any of you, whilst you behave as Friends. I shall not Rest by night or Day untill I receive your Answer.

"Your Friend and Brother,

"W. PATTERSON.

"Juniata, January 22d, 1768."

Friday 5th February, 1768, A. M.

MEMORANDUM.

A Committee of two Members of Assembly waited on the Governor and delivered him the following written Message, and at the same time acquainted him that the House requested His Honour would again let them have the Perusal of Colonel Armstrong's last Letter, which was accordingly sent to them.

A Message to the Governor from the Assembly.

"May it please your Honour:

"The first Intelligence received by this House of the Persons settling on the Indian Lands within the Bounds of this Province, was communicated in your Message of January the 5th, and his Excellency General Gage's Letter. The Removal of these obstinate People, who have violated the Faith of Treaties and disregarded His Majesty's Proclamation, appeared to us so absolutely necessary to the Safety of the Colony, that we Complied with all possible dispatch with the Measures recommended by the General for that Purpose, and we are pleased this part of our Conduct has met with your approbation; but at the same time, it gives us much Concern to find that, in another Respect, we do not seem to have been so fortunate.

"From good Information we were convinced that the barbarous Massacre committed on the Indians at Conestogo and Lancaster, was one of the Causes of the Indian discontent. To remove which, by satisfying the Natives of the Justice of the Government, and to support that Authority which can alone ensure Safety to the People, by deterring the Wicked from the Perpetration of the like heinous Offences, we intreated your Honour 'that diligent and speedy Inquisition should be made after the Atrocious Offenders.' In Answer to which, you are pleased to tell us that in your Station you conceive nothing more can be done without doing an Act of Violence to the Constitution, which commits the immediate Administration of Justice to the Magistracy.' We well knew that the immediate Administration of Justice by the Constitution is vested in the Magistracy, and we assure your Honour that you are not mistaken in thinking 'that we are the last Persons who would advise you to extend your Power in any Case beyond the Bounds prescribed by Law.' But, while we wish to have your Authority properly confined, we should be wanting in our duty to the People, if we were not equally desirous to see it exerted to its legal Extent, whenever their Security demands it, which we are persuaded has not been done on this important Occasion. Murders have been long since committed and the Offenders are not yet apprehended, nor, as we have ever understood, has a single Warrant been issued for the Purpose. Murders perpetrated at Noonday, in a populous Borough, before a Number of Spectators; and yet, as 'tis said, the Names of the Criminals remain undiscovered. There is a manifest failure of Justice somewhere. From whence can it arise? Not from the Laws. They are adequate to the Offence. It must then be either from a Debility or inexcusable neglect in the Executive part of Government to put those Laws in execution. And we hope your Honour will excuse us when we say that it is the peculiar Province of a Ruler, and without 'Violence to the Constitution,' he may and ought to superintend the Administration of the Laws, so far at least as to see that the Magistracy faithfully discharge their Duty, and to remove those who are neglectful thereof.

"But you are pleased to tell us that 'you did not lose a moments Time in Writing to the Magistrates of Lancaster, York, and Cumberland, commanding them to use their utmost Endeavours to discover and apprehend the Offenders; and by your Proclamation high Rewards were offered to those who should make such Discoveries.' Thus much we believe was done, and no more. But, were not those Letters altogether disregarded, and your Proclamation treated with the utmost contempt? For, did even those Magistrates who resided in the Borough at that Time, issue a Subpœna, or send for a Person among the numerous Spectators, to give information of the Offenders? Was the Sheriff, then dwelling in the Borough, and whose particular Duty shou'd have led him to have given Opposition to the horrid Act, or the Work-house Keeper, under whose care the unhappy

Victims were placed by the Magistrates, ever examined, or called on to discover them? Or has an Inquest been held on the Bodies, or the least Judicial Enquiry made by the Coroner into the Cause, or after the Authors of this unfortunate Catastrophe? And, although there was a Number of His Majesty's Troops Quartered in the Borough at this very Time, ready to lend their Assistance, did the Officers of Justice call on them to give their Aid in protecting the miserable Sufferers? Under these Circumstances, can it appear possible to a rational Mind, if the Magistrates had exerted their Authority when the Offence was Committed, or at any Time since, that the Perpetrators of so flagrant a Crime, in so public a Manner, cou'd remain undiscovered, and Elude the Efforts of Justice?

"Your Honour adds, 'that every Measure was taken by you on that Melancholy occasion which the Law would Warrant.' You wrote Letters, indeed, and issued a Proclamation; but, we apprehend, on an Occasion so Interesting to the Public Safety and Reputation of the Government, more might, and ought to have been done. The Assembly, then Sitting, requested that you would 'order the Sheriff, Coroner, and Magistrates of the Borough to come down and give you the best Information that could be obtain'd of the Persons concerned in these violences.' Were those Officers ever called on to give you the 'Information,' or to Account for their indolent Conduct? If they were, did they ever assign good and sufficient Reasons in their Justification? And if they did not, should not they have been immediately removed from those places of publick Trust which they have so greatly abused, and more worthy Men placed in their Stations? Thus far, at least, the 'Law' would have 'warranted' your Conduct, nor would you have been justly chargeable with not having performed your Duty, or 'doing an Act of Violence to the Constitution.'

"We lament with your Honour, 'that the Measures you pursued to discover the Offenders were not attended with Success;' but we cannot think that it was owing so much to a want of 'Virtue or Resolution' in the People, as to a Neglect of Duty in the Officers of Government. Many motives might induce the former to be inactive, and very probably the unparalleled Inactivity of the Magistrates was not the least; But nothing ought or can vindicate the latter, who were under the most solemn Obligations for the Performance of their Trust.

"Your Honour is pleased farther to observe, that 'the Orders you then gave, and the Rewards offered, were not limited to any Time, but still carry with them the same Obligations and Inducements they ever had.' The Contempt with which your Proclamations were treated, without the least Notice taken of that Treatment, and the unpardonable Disobedience in the Magistracy to those Orders ever since, convince us of the Truth of your Assertion, and yet could we be so happy as to persuade you to exert your Power and In-

fluence with the Magistracy, who hold their Commissions during your Pleasure, by commanding them to send for and examine the Witnesses who were present at the bloody Scene, and at the same Time inform them that nothing less than a faithful discharge of their Duty should skreen them from your Resentment, and secure to them a continuance in their Offices; and moreover, to renew your Proclamation, offering a generous Reward of not less than Five Hundred Pounds to the Informers, which this House will most chearfully enable you to pay, and assure them of your Protection, we have not the least Doubt but that those Murderers will be discovered and apprehended.

"We trust your Honour will not think us too importunate in this momentous Affair, in which we conceive the future safety of the People and the Honour of the Government are most intimately concerned, for you will be pleased to consider of how much Consequence to both it is that the Authors of Crimes of so black a dye should be strictly punished. It is in all Probability owing to the Encouragement arising from the Impunity with which these Criminals have been permitted to escape, that the subsequent Murders in this Province have been committed. Had exemplary Punishment been inflicted on the Offenders in the first Instance, it is more than probable that the Transgressors in the second would have been deterred from the Perpetration of the like Offences. But, should Men who bid Defiance to the executive Powers of Government, and so audaciously trampled on its Authority, be allowed to remain in the Province longer, unpunished, We are very apprehensive that the Persons of the Inhabitants will not be safe from their violent Attempts, the Transition being easy from the Murder of Indians under the Protection of the Government, to the Murder of the Subject; nor will the Colony be secured from the Calamities attending a War with the Natives, occasioned by these repeated Insults offered to the Persons of their People.

Besides, it is undoubtedly the soundest Policy to do Justice to the Indians, without which the Government can never, with any Propriety, demand a Satisfaction from them for the Murders we have reason to believe they have lately committed on several of our People; it therefore behooves the Government to exert itself in a Matter so interesting to the Province, and having done that Right to the Indians which they expect from us, we request your Honour would take the necessary Steps to obtain the like Justice from them for the Outrages they have committed in violation of the Treaties of Friendship subsisting between us.

"We are obliged to the Governor for his Intention 'to take the earliest Opportunity of communicating our Sentiments to his Excellency General Gage and Sir William Johnson,' relative to the Boundary, but at the same time, we beg leave to assure you that we never entertained the least Thought that it was 'owing to those worthy Gentlemen, that this Cause of Complaint and Uneasiness in the

Indians has not been long ago removed.' And we hope there is nothing in our Message that could give you any Reason to suspect it. On the contrary, the steady and uniform Attention ever discovered by them to the Peace and Safety of the Colonies, convince us that nothing in their Power has been or will be wanting to remove every Foundation of Indian Discontent.

"Signed by Order of the House,

"JOSEPH GALLOWAY, Speaker.

"February 5th, 1768."

—

Eodem die, P. M.

Two Members of Assembly presented to the Governor a written Message from the House, in the following Words, viz^{t}:

A Message to the Governor from the Assembly.

"May it please your Honour:

"We have taken into our Consideration the Letters laid before us, giving an Account of the Rescue of Frederick Stump and his Servant from the Goal of Cumberland County, who were apprehended for the Murder of the Indians on Middle Creek. This further audacious Insult on the Authority of the Government, cannot but effect us with the deepest Concern, as it increases the melancholy Prospect of future Insecurity to the Lives and Estates of the People of this Province.

"In order, therefore, to our immediate Deliberation on this important Subject, we request your Honour would be pleased to communicate to us the Steps you have taken in Consequence of these lawless and riotous Proceedings; And we assure your Honour, no Aid in the Power of this branch of the Legislature shall be wanting to enable you to execute the Laws, and restore the sinking Authority of the Government.

"Signed by order of the House.

"JOSEPH GALLOWAY, *Speaker.*

"February 5th, 1768."

At a Council held at Philadelphia, on Monday 8 February, 1768.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c[a].

James Hamilton,	Lynford Lardner,	Esquires.
William Logan,	Richard Penn,	
Benjamin Chew,	James Tilghman,	

The Consideration of the Lottery Bill was resumed, and the Board advised the Governor to amend the same by Naming two Persons as Managers, in Addition to those mentioned in the Bill, as well to preserve his right of a share in the Nomination of Officers appointed by Law, as because it was judged that the Number of Managers Named in the Bill is too small. The said Amendment was accordingly made by inserting the Names of John Gibson and Thomas Bond, Junior, and ordered to be sent to the House with the Bill.

The Assembly's first Message of the 5th Instant, was then read and taken into Consideration, and a Draught of an Answer thereto having been prepared, was laid before the Board, which, after some Alterations, was approved, and ordered to be transcribed, and carried to the House. The said Message follows in these words, viz[t]:

A Message from the Governor to the Assembly.

"Gentlemen:

"From a Sense of the great Inconvenience attending Differences between the Branches of a Legislative Body, I have, ever since I had the Honour to preside in this Government, carefully avoided doing any thing to interrupt a good Understanding with the Assemblies of this Province; And it is not without great Concern, Gentlemen, I am now reduced to the Necessity of telling you, that the Strain of your Message of the 5th Instant is not only indecent and unbecoming, but indicates a spirit prevailing among you very ill suited to the present critical Situation of our public Affairs, which particularly demands Unanimity in our Councils, and the joint Exercise of the greatest Wisdom and Prudence.

"The averting an Indian War, and the sad Effects of it, were agreed to be our Principal Object at the opening of this Session. I laid before you the Causes of Indian Discontents, communicated to me by Letters from His Excellency General Gage and Sir William Johnson, in order that adequate legal Remedies might be applied to remove them.

"The two only Causes of Complaint I find mentioned in these Letters, are the Intrusion of our People on the Indian Lands, 'not

only without their Consent, but in Contradiction to their warmest Remonstrances, and the Endeavours that have been used to remove them, and the Insults and Hostile Acts they have received from the Frontier People, chiefly from those of Virginia.' Yet not content with the Causes pointed out by those Gentlemen, who are certainly best acquainted with Indian Affairs, you proceeded, it seems, to investigate others. I would charitably hope that these Inquiries were not taken up, rather with a View to distract our Councils than to remove the present Causes of Indian Dissatisfactions.

"The murder of the Indians at Lancaster, in the Year 1763, (of which no Man has a greater Detestation than myself) was insisted on in your Message of the 13th of January as one of the principal Causes of the present Discontent among the Indians. I must confess I am at a loss to conjecture on what Intelligence you found your Opinion in this particular, but this I well know, that the six Nations, upon Sir William Johnson's laying before and explaining to them this Affair at my Request in the Year 1764, were so far satisfyed, that they received Belts from him on the occasion, and suffered him to cover the Graves of their deceased Brethren according to their Custom, since which I have never heard that they have expressed any Dissatisfaction to him on that Account; Taking it for granted, however, that this is one Cause of Indian complaint, you go on in your Message to advise my ordering speedy and diligent Inquisition to be made after those Murderers, from an opinion that the present Tranquility of the Province afforded a more favourable opportunity of discovering and bringing them to Justice than the Tumultuous State of it at the Time of the Transaction; Before I could answer that Message I received the Melancholy Tidings of the murder of the Indians on Middle Creek, committed by Frederick Stump and his Servant, the 10th of January; This last inhuman Butchery, perpetrated at a Time when the minds of the Indians were already inflamed with the Injuries complained of in the above Letters, appeared very likely to be attended with immediate Acts of Hostility on their part; My Duty, therefore, required that I should give that speedy and close attention to this unhappy Case which so important a matter demanded, to avert, if possible, the impending Mischief; and I contented myself with returning a short Answer to your first Message, letting you know in general what steps I had taken to discover and bring to Justice those who had been concerned in the Lancaster Murders. The late audacious Rescue of Stump and his Servant, has involved us in new difficulties and Distress. Yet, in the midst of my Solicitude on these interesting Matters, and whilst I am earnestly engaged in taking the best measures my own judgment or that of my Council can suggest, to extricate the Public from these accumulated Evils, and to regain the Prisoners, which is most certainly the first Object and principal Concern, I am, it seems, called upon by you, in a Manner the most extraordinary, to vindicate myself, and as it were, arraigned

by you for neglecting the Duties of my Station, relative to the Murders committed upwards of four Years ago, And you again press upon me the issuing new Proclamations, offering higher rewards for apprehending the Authors of them.

This Conduct of yours in my Opinion, Gentlemen, is not less unkind and indecent towards me, than imprudent with respect to our present Pursuit, for Reasons which must occur to you on cool and dispassionate reflection, though they are such as are altogether improper to be made public at this particular Juncture. From Motives founded on the Public good, I was induced to defer the giving you an immediate Answer to the Requisition made with regard to the Renewal of Inquiries after the Perpetrators of the Lancaster Murder, and indeed to Postpone at last the Consideration of that Matter to a more proper Season.

"Should what I have said remove any Prejudices you may too precipitately have taken up against me in the Course of this Sessions, it will give me Pleasure. Be that as it may, Gentlemen, I shall have that satisfaction which attends every man conscious of his own Integrity and good Intentions. I shall be glad of your Advice and Assistance whenever the Public Interest and the Exigency of Affairs require it, but at the same time I shall expect that you will not dictate to me in Matters which relate to the Executive Powers of Government.

"JOHN PENN.

"February 8th, 1768."

A Committee of two Members of Assembly presented to the Governor a Bill sent up by the House for his Concurrence, entituled "An Act for appropriating a Sum of Money for building the Middle House on the West side of the Barracks, in the Northern Liberties of the City of Philadelphia," which was read, and there being no Objection made to it, was ordered to be returned to the House with the Governor's Assent.

The Governor, agreeable to the Request of the Assembly, made in their Message of the 5th Instant, directed the Secretary to make out Copies of his Letters of the 2d Instant, to the Sheriffs of Cumberland, Lancaster, and Chester, and of the 3d and 4th Instants to John Armstrong, Esquire, containing the Steps he had thought expedient to be pursued for the Regaining the Possession of Stump and Ironcutter, and to lay the same before the Assembly for their Perusal.

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Thursday 11th of February, 6 o'Clock, P. M.

An Express returned from Carlisle with Letters to the Governor from John Armstrong, Esquire, and Mr. Holmes, the Sheriff of

Cumberland, dated the 7th Instant, which was ordered to be entered on these Minutes, and are as follow, viz:

A Letter to the Governor from John Armstrong, Esquire.

"Carlisle, 7th February, 1768.

"May it please your Honour:

"Last Night your Honour's favour of the 3d Instant, by Express, came to hand; whereby I see you had not received my last on the taking of Stump and his Servant out of this Gaol by Violence.

"I shall not spend your Honour's time in shewing the several methods that have since been taken to have these Men delivered back to the Custody of the Sheriff, as he, no doubt, will do that by the return of your Express, nor can I fully express the distraction of Mind, and uneasiness I have, with many others here, at this place of Outrage and disregard of lawful Authority, directly calculated to awaken the Shame of our best Friends, and upon a poor unfortunate County, the just resentment of the Government, and Penalties of the Law; And yet, shall I presume so far on your Honour's known Candour, as expect to be believed, when I assure you that after the closest examination I have been able to make, even the ignorant and giddy Crowd who have committed this hasty, flagrant violation of the established Course of Justice, have done it under the Influence of a mistaken Apprehension of the intentions of carrying Stump to Philadelphia, together with a few Particular matters that the more orderly and sedate among them as well as their young People, deeply lament, and complain of as bearing hard on them in their exposed Situation.

"They tell us that the Government always manifest a greater concern at the killing or Death of an Indian than at the Death or killing of any of them; that the Indians first broke the Peace, and have, since the last Establishment thereof, killed a considerable Number of Pennsylvanians, at different Times and Places, and that no Inquisition has been made, nor exertion of the Powers of Government, to bring those Savage Butchers (as they call them) to account for this sanguinary and bloody Conduct, whereby, they say, that some of the Frontier People will always be exposed to suffer the same Fate, and that their Wives and Children must be threatened and insulted by Indians, and that a number of them must receive the fatal Blow before they dare say it is War, with sundry other Complaints of this sort. All these things have been considered against a the discontent of our Power, in order to appease these jealous and distracted People, as well as to convince them that these Matters have no Connexion with the Conduct of such of their young Men as have in this Instance opposed themselves to lawful authority, and to the Divine Author of it, but that the prestigious and illegal behaviour of these is directly calculated to prevent them

the benefit of that seasonable Protection and Relief they have always a right to expect, when their Aggrievanees are dutifully represented.

"That the Sheriff and Magistrates here had sufficient Reason to fear a rescue of the Prisoners, and other mischievous consequences on the Road, had they been sent off when we apprehended the River to have been passable, is beyond all doubt; for it is a matter of great Surprize with what rapidity, and to what Extent this wild Spirit of Jealousy was carried abroad, and how many different Parties, as well out of this County as in it, were all intending the same Thing, namely: to prevent the Prisoners being carried to Philadelphia for Tryal, as their mistake led them to believe, notwithstanding we had not the least Suspicion that any would attempt to take them out of the County Goal, which they say they would by no means have done, but that they imagined we would Convey them off secretly by Night.

"These Madmen, however, keep Stump and his Servant confined somewhere beyond the Mountains, but at what particular Place we have not yet heard, but think they are not yet out of Sherman's Valley, from whence we have still expectations of having them delivered back to the Sheriff. 'Tis but natural for such as know not our unhappy Circumstances, to believe that the severest Measures ought, before this time, to have been taken, but permit me to assure Your Honour that none other than what has been taken, and what we are still engaged in, could yet have been attempted by us with any probability of Success.

"Whilst this Letter lay unsealed, I was favoured with your Honour's very agreeable Instructions of the 4th Instant, which, though more mild than these Offenders had any reason to expect, yet perfectly adapted to the present Circumstances, and will, very probably, produce the desired effect. I intend to set out to-Morrow Morning to cross the Mountains, and shall detain the second Express, in order to carry down the Answer I shall receive from those Persons who at present detain Stump and his Servant, and am

"Your Honour's faithful

"and most humble Servant,

"JOHN ARMSTRONG.

"Governor PENN."

A Letter to the Governor from Mr. Holmes, the Sheriff of Cumberland Co'ty.

"CARLISLE, 7th Feb^{ry} 1768.

"Please Your Honour:

"Tho' I am very certain you will receive full Intelligence of the affair of Frederick Stump before this can reach you, yet as my Conduct and Character are so much concerned, I pray your Honour

to received the following plain state of the Case, as all the vindication I can offer of my Conduct.

"James Galbraith, Esquire, brought to Carlisle and delivered to me the Chief Justice's Warrant, on Saturday the twenty-third of January. Immediately on the Receipt thereof, I summoned a Guard to attend me next day to go in quest of Stump, but that very Evening, Captain Patterson brought him with his Servant and delivered them to me. Next day I sumnioned a Guard to sett off with the Prisoners on Monday Morning, and accordingly my Guard attended at the Goal early, and I was just ready to set off in Obedience to the Chief Justice's Warrant, having the same Morning received a Letter from the Sheriff of Lancaster, who waited for me at John Harris's; Colonel Armstrong sent for me, and told me they had concluded to keep Stump and not to send him down. I alledged to him I was not obliged to obey any Orders of any Magistrate in Cumberland County, as I had the Chief Justice's Warrant to the contrary. But he insisted I should not take him off, but discharge my Guard, which I absolutely refused, whereupon the Colonel went to Goal and discharged my Guard, brought up the Prisoner, examined him, and by mittimus, committed him, and wrote to some other Justices to attend in Carlisle on Wednesday. On Wednesday, while said Justices were sitting in Council, a large Party, under Arms, came very near Carlisle and sent in Messengers to the Magistrates and me, Claiming that the Prisoners should be well used, and not sent to Philadelphia. Being Satisfied that they were properly used, and having been told that he was committed to our Goal, they dispersed. The Magistrates wrote a full Account to the Chief Justice, and I made free to acquaint him that I was ready to execute his Orders if he thought proper to call for the Prisoners; being persuaded now we should meet with no farther Trouble from the Country, but on Friday the 29th, another large body of Armed Men, thought to be mostly the former, joined with a Party from Sheerman's Valley, on a sudden rushed into Town, and Marched up to the Goal, having sent a few without Arms, to appearance, before them, who went into Goal, and when the Company came up, seized the Prison, making the Goaler and his Family Prisoners. We laboured with the armed Men to disperse, to offer no Violence, not Dreaming that any had got into the Prison, when unexpectedly they brought out Stump and made off. Mr. Steel at my Request followed to the Creek, about two miles from Town, but laboured with them in vain. On Sunday I called a Posse and set off early on Monday into Sheerman's Valley. Several Magistrates and most of the Principal Inhabitants of Carlisle and in the Country attended, but we neither could find out where they had concealed Stump, nor by any Arguments prevail with them to deliver him to us. Since this they wrote me, that they had concluded not to deliver him up, unless the Governor, Mr. Allen and other Gentlemen of note would oblige themselves that Stump should not be taken out of the County.

"Please your Honour, I have given a plain and true Account of the Affair, and pray that I may not be considered as designing or acting in disobedience to the Chief Justice's Warrant, as I am persuaded your Honour will plainly see. I purpose to set off into Sheerman's Valley again to Morrow, and do what lies in my Power to have the Prisoners delivered up, tho' I fear that Infatuated People will pay very little Regard to any Endeavours.

"I am, Your Honour's Most
"Obedient humble Servant,
"JOHN HOLMES.

"To the Hon^ble JOHN PENN, Esq^r, Lieut^t Governor, &ca., in Philadelphia."

Friday Morning.

The Governor sent Colonel Armstrong's Letter of the 7th Instant to the Assembly for their Perusal.

At a Council held at Philadelphia, on Tuesday the 16th of February, 1768.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

William Logan, James Tilghman,
Richard Peters, Benjamin Chew, } Esquires.
Lynford Lardner,

The Governor laid before the Board two Bills sent up by the Assembly this Morning for His Honour's Concurrence, entituled "An Act for Regulating the Fishery in the River Brandywine," and "An Act for raising and applying the Sum of Three thousand Pounds towards removing the present discontent of the Indians, regaining their Friendship, and for other purposes therein mentioned," and a written Message accompanying the latter, which was read, and is as follows in these Words, viz^t:

A Message to the Governor from the Assembly.

"May it please your Honour:

"The House, anxiously desirous of doing every thing in their Power to remove the present discontent of the Indians, and if possible to prevent a War with them, have prepared a Bill for raising the Sum of Three Thousand Pounds for the Purposes therein mentioned, among which the principal one is for defraying the Expence

of Presents of Condolance for the Number of Indians who have been killed within this Province, and other Gifts for removing their Discontent and regaining their Friendship. From the calculation, at the Time of forming the Bill, we supposed a Sum not exceeding Two Thousand five hundred Pounds might answer these Purposes.

"We are informed a General Treaty is shortly to be held with these People by the Honourable Sir William Johnston, in the Indian Country, at which Time we could wish these Presents might be given, and the proper Endeavours used to pacify and reconcile them to this Province. We, therefore, think, should your Honour concur in Opinion with us in this important Matter, that no Time should be lost in communicating our Resolution to that Gentleman.

"It would give us pleasure would the Time between this and the Treaty admit of transmitting him the Money, and sending Commissioners to attend it, if both were done; And should he advise you, upon Request made by your Honour, of the Practicability of the Measure, we think it would be right and necessary; But otherwise we have so perfect a Confidence in that Gentleman's good Disposition towards this Province, and great Knowledge in Indian Affairs, that we have no Doubt but he will do everything on the best Terms that is necessary in making those Gifts and Presents, and reconciling, as far as in his Power, the Natives to their former Alliance and Friendship with the Government, as the Money will be in the Hands of your Honour and the Commissioners named in the Bill to repay the Sum he may expend in this necessary Business.

"Signed by Order of the House,
JOSEPH GALLOWAY, *Speaker.*

"February 15th, 1768."

The said Bills were read, considered, and agreed to, and ordered to be returned to the House with the Governor's Assent. The following Message was also drawn up and approved, and the Secretary was directed to deliver the same, with the Bill for raising and applying £3,000, &c^a.

A Message from the Governor to the Assembly.

"Gentlemen:

"I return you the Bill sent up to me this Morning, entituled "An Act for raising and applying the Sum of Three Thousand Pounds, &c^a." for the Purposes therein mentioned, which I am willing to Pass into a Law immediately, as I think no Time should be lost in communicating to Sir William Johnson, by Express, the Measures we have agreed on for conciliating the Affections of the Indians at the Treaty it is said he is soon to hold with them.

"JOHN PENN.

"February 16th, 1768."

At a Council held at Philadelphia on Wednesday 17th February, 1768.

PRESENT :

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c[a].

William Logan,	Richard Peters,	Esquires.
Joseph Turner,	Benjamin Chew,	
Lynford Lardner,		

"The Assembly's Message of the 15 Instant was again read, and the Measures thought proper to be pursued by the Governor with respect to the Presents of Condolance, thought necessary to be made to the Indians at the ensuing Treaty to be held by Sir William Johnson, was fully considered, and the Board advised the Governor to write to Sir William Johnson by Express, acquainting him with his passing the Law for raising and applying a Sum of Money in presents of Condolance to the Indians, for removing their present uneasinesses and preserving their Friendship, and also requesting him to distribute among the Indians such a part of the said Sum in Presents agreeable to the Law and the Intentions of the Assembly, in the best manner in his Power; so as to answer the Ends proposed; and at the same time informing Sir William of the Design of the Government to send Commissioners to attend the Treaty, if he should be of Opinion that the Time before the holding the Treaty would admit of it.

—

Council Chamber, Eodem Die, 12 o'Clock.

"A Committee of the Assembly having last Night waited on the Governor with a Message from the House requesting him to appoint a Time for passing the Bill for raising and applying the Sum of £3000, &c[a], and his Honour having agreed to pass the same at this Hour, sent them a Message by the Secretary, requiring their attendance for that Purpose. The House accordingly attended and the Speaker presented to the Governor the Bill entituled "An Act for raising and applying the Sum of £3000 towards removing the present Discontent of the Indians, regaining their Friendship, and for other Purposes therein mentioned;" which his Honour enacted into a Law, and appointed a Member of Council to accompany a Member of the House to see the Great Seal affixed thereto, and to deposit the Law in the Rolls Office.

Thursday the 18th of February, 1768.

"The Governor consulted with Mr. Galloway, and Mr. James Pemberton, two of the Commissioners for laying out the Money directed by Law to be given in Presents to the Indians, as to the Sum necessary to be expended on that Account at the ensuing Treaty to be held by Sir William Johnson, and they concurring in Opinion that the Sum of £1000 would be sufficient for the Purpose, unless Sir William should judge it necessary and expedient to enlarge it with the Addition of £200 or £300 more, which they thought should be submitted to his Judgment and Discretion.

The Governor thereupon immediately wrote the following Letter to Sir William Johnson, which was dispatched by Express, viz^{t}:

A Letter from the Governor to Sir William Johnson.

"Philadelphia, 18th February, 1768.

"Sir:

"I have the Pleasure to inform you that the Assembly have concurred with me in a Law for raising a Sum of Money, part of which is to be laid out in Presents to the Indians by way of Condolance, as well for such of their Brethren as were lately killed by Frederick Stump on Middle Creek, as for all others who have heretofore been Murdered in this Province by our People, hoping by this Means effectually to remove the Uneasiness and Discontent which may arise or remain in their minds on that Account, and to regain their Friendship. The Persons appointed by Law to dispose of the Money in Conjunction with myself, have appropriated the Sum of One Thousand Pounds for this Service. But as the Application and Distribution of the intended Presents cannot be made with so much Propriety or Judgment by any Person as yourself, and as no Time should be lost in a Matter of so much importance, we have agreed that the Presents should be made at a General Treaty, which I am informed you are soon to hold with the Indians.

"I am therefore under the Necessity of requesting the Favour of You to dispose of the above Sum at the ensuing Treaty in the name and on the Behalf of this Government, in Presents to such particular Indians and Tribes of Indians as you shall judge will be most proper and likely to answer the good Ends we propose. The money shall be immediately paid to such Person or remitted in such a Manner as you shall please to direct.

"The Assembly are of Opinion that it would be expedient and necessary that Commissioners appointed by me should be sent to attend the Treaty, if the Time between this and the holding the Treaty would admit of it. I would therefore request the Favour of You to inform me by the Return of the Bearer, whom I send

Express to you on this Occasion, whether such a Measure is practicable.

"As several of the Inhabitants of this Province have been murdered by the Indians since the general Peace established with them in 1764, You will no doubt think it advisable, at the same time, that you condole with them on the loss of their People, to remind them of the Injuries done to us, and that we have received no Satisfaction from them on these Accounts, for which Purpose I herewith send you a List of the names of the Persons belonging to this Province who have been killed by the Indians I also inclose you the Names of the Indians killed by Frederick Stump, and the Tribes they belong to.

"I beg leave further to observe to you, that the whole Sum appropriated by the Law to be expended in Presents to the Indians for reconciiing them to this Province is £2500. But as we are of Opinion that there is more Reason to apprehend a Rupture with the Western Indians than those of the Six Nation or Northern Tribes, we have thought it advisable to allot the greatest part of that Sum to be applied in Presents to the former, which it may be most convenient to distribute among them at Fort Pitt. But as we have the greatest Confidence in your Judgment and Knowledge in Indian affairs, we submit this matter to your discretion, and if you shall judge it most expedient to lay out £200 or £300 more than the £1000 above mentioned, to be presented to the Indians with whom you are about to hold Conferences, I have liberty from the Commissioners to empower you to expend that additional Sum, and to do everything else in this Business on the part of the Province, which you may think most conducive to its true Interest and Safety.

"I shall not endeavour to apologize for troubling you on this Occasion, as your readiness at all Times to serve this Province renders anything of that kind unnecessary.

"I am, with great Regard, Sir,
"your most Obedient, humble Servant,
"JOHN PENN.

"Sir WILLIAM JOHNSON, Baronet,
"at Johnson Hall."

A List of Persons belonging to Pennsylvania, Murdered by the Indians since the last Peace made with them:

"Henry Obryan, Peter Brown, and eight other White Men, in proceeding down the Ohio last August, with two large Batteaus, loaded with Goods amounting to the Value of £3000, were attacked and Pillaged near the Falls of that River, and not having been since heard of, tho' the Batteaus with a great part of the Goods were afterwards found on the Shore, they are supposed to have been all Murdered.

"Thomas Mitchell, A Trader from this Province, Murdered in one of the Shawana villages last Fall.

"Another Person, name unknown, Murdered by a Delaware Indian, near Fort Pitt, in December last.

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Names of the Indians killed on the 10*th and* 11*th of January*, 1768, *by Frederick Stump and John Ironcutter, at Middle Creek, vizt.:*

"The White Mingo, otherwise called John Cook, a Seneca Indian, whose Relations are said to Live on the Head of the Cayuga Branch, (which runs into the Susquehanna at Diohoga), at a Place called Peemeekannink, not far from Chenasse.

"Cornelius, A Mohickon Indian, from a Place called Paghsekacunk, on the Susquehanna, Six Miles below Diahoga.

"John Campbell, A Mohickon Indian; also, Jonas Griffy, either a Stockbridge or Jersey Indian.

Women—The White Mingoe's Wife, &c.

"Two other Women, supposed to be the Wives of Cornelius and John Campbell.

"Two Girls and a Child.

"The Women are said to be of the Delaware and Shawanese Tribes."

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Thursday the 18th of February, 1768, A. M.

Two Members of Assembly waited on the Governor and presented to him "An Act for the better Employment, Relief, and Support of the Poor of the City of Philadelphia, the District of Southwark, the Townships of Moyamensing and Passayunk, and the Northern Liberties."

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Friday the 19th of February, 1768.

A Committee of the Assembly presented to the Governor for his Concurrence, a Bill entituled "An Act to enable the Owners and Possessors of a certain Tract of Marsh and Meadow Land therein described, situate in the County of Chester, to keep the Banks, Dams, Sluices, and Flood-Gates in Repair, and to raise a Fund to defray the Expences thereof."

Captain William Patterson having recommended himself to the Governor by his late Spirited and commendable Conduct in apprehending Frederick Stump and John Ironcutter, and delivering them to the

Custody of the Sheriff of Cumberland, and his Honour, upon enquiry, finding that he was well qualified for the Office of a Magistrate, this day issued a special Commission, appointing him a Justice of the General Quarter Sessions of the Peace and of the County Court of Common Pleas for the County of Cumberland.

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Eodem die, P. M.

A Committee of two Members of Assembly waited on the Governor with a Verbal Message from the House, requesting him to give as much dispatch as he could to the Consideration of the two Bills now before him, as the House inclined to adjourn this Week, if the Governor had no Objection. The Governor acquainted them that he had no particular Objection at present to their Adjournment, and that he would return the Bills to the House in the Morning.

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Saturday the 20th of February, 1768, A. M.

The Governor and Council having considered the Bill entituled "An Act for the better Employment, Relief, and support of the Poor, &c^a," and "An Act to enable the Owners and Possessors of a certain Tract of Marsh and meadow Land therein described, situate in the County of Chester, &c^a," returned them by the Secretary to the House, with his assent to first, and the following Amendments to the latter, viz^t:

"Page 1, Lines 2, 3. Dele the Words [Tinicum Island].

"Page 22, Line 7. After the Word [List], insert the Words [to be made out]."

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Saturday Noon.

A Committee of the Assembly waited on the Governor, and acquainted him that the House had agreed to the Governor's Amendments to the Chester County Meadow Bill, and desired His Honour would be pleased to appoint a Time for passing the Bills which had been agreed on. The Governor made answer that he should be in the Council Chamber at 5 o'Clock this Afternoon, in order to receive the House for that Purpose.

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Council Chamber, 5 o'Clock, P. M.

The several engrossed Bills being compared with their Originals, and found to agree, The Governor sent the Secretary to the House

with a Message requiring their attendance, that he might pass the Bills which had received his Assent.

The whole House Attending accordingly, the Speaker presented to the Governor the following Bills, which he was pleased to enact into Laws, and issued a Warrant for affixing the Great Seal thereto, and appointed a member of Council and the Secretary to accompany two members of the House to see them deposited in the Rolls Office.

1. "An Act for incorporating the Society known by the name and Style of the Philadelphia Contributionship, for insuring Houses from Loss by Fire, &c."

2. "An Act to continue An Act entituled 'An Act for laying a Duty on Negroes and Mulattoe Slaves imported into this Province."

3. "An Act for appropriating the Sum of Money for building the middle House on the West side of the Barracks, in the Northern Liberties of the City of Philadelphia."

4. "An Act for Regulating the Fishery in the River Brandywine."

5. "An Act for raising, by way of Lottery, the Sum of £ 5,250 for purchasing a public Landing in the Northern Liberties, and paving the Streets of Philadelphia."

6. "An Act to amend the Act entituled 'An Act for the better Employment, Relief, and Support of the Poor of the City of Philadelphia, the District of Southwark, the Townships of Moyamensing and Passyunk and the Northern Liberties."

7. "An Act to enable the Owners and Possessors of a certain Tract of Marsh and Meadow Land therein described, situate in the County of Chester, to keep the Banks, Dams, Sluices, and Flood Gates in repair, and to raise a Fund to defray the Expences thereof."

The Speaker then, in behalf of the House, delivered to the Governor a Certificate for £ 500 towards his Support for the present Year, for which His Honour thanked them.

In about half an Hour after passing the Bills, the Assembly sent by a Committee of two members the following written Message to the Governor; whereupon His Honour acquainted them, that as the Message might possibly require some short Answer, he desired them to inform the House that he requested they would not adjourn till he had an Opportunity of sending them one. The Governor accordingly prepared an Answer, and in an Hour's time sent it by the Secretary, who immediately carried it to the State House; but the Assembly had adjourned, notwithstanding the above request, as he was informed by the Door-Keeper, near half an Hour.

A Message to the Governor from the Assembly.

"May it Please your Honour:

"We met at this sitting, sincerely disposed to preserve that Harmony which ought to subsist between 'the Branches of a Legislative Body;' 'and altho' your Message of the 8th Instant appears to us evidently calculated to disturb it, yet we were resolved that it should not divert us from the important Objects before us; But as the public Business is nearly concluded, and that Message contains a number of severe Insinuations and Groundless Charges against us, we are obliged to take particular notice of them.

"We entertain as just a Sense of the 'great Inconvenience attending Differences between those Branches' as you possibly can do.—Ever since we have had the Honour of holding these Seats we have carefully avoided them, unless they were necessary to obtain some Act of Justice, to regain some Right invaded, to support His Majesty's Authority, or procure Safety to ourselves and those we represent; and even in these Instances we think we may safely call on your Honour, to shew that we have conducted them otherwise than by a plain Representation of Facts, and decent tho' firm Arguments. Could we on a Retrospection of your conduct, persuade ourselves to believe 'that you have carefully avoided doing anything to interrupt a good understanding with the Assemblys of this Province,' it would give us real Pleasure, as it would afford us a Prospect of an easy accomodation of our present 'differences.'"

"We have carefully re-considered our Message of the fifth Instant, which you are pleased to say is 'not only indecent and unbecoming,' but indicates a Spirit prevailing among us very ill suited to the present critical Situation of our public Affairs, &c[a]. From what part of this Message you could collect any thing that justifies these Charges, we are at a loss to judge. The manner of expression is plain, accompanied with Arguments deduced from a fair Representation of Facts, which Your Honour has, however, chose wholly to pass over unanswered, from a Conviction, we suspect, that it was much easier to pronounce them 'indecent and unbecoming,' than to refute our Reasoning, or disprove the Truth of our Representation.

"We remonstrated to your Honour that most atrocious Offences had been long since committed in the Province. We requested that you would take the proper Measures to bring the Offenders to Justice, and pointed out the Means by which this most necessary Business might be effected, 'without your doing Violence to the Constitution.' We endeavoured to delineate the unhappy Consequences that have resulted from permitting Men who have bid defiance to the Powers of Government, and audaciously trampled on its Authority, to remain longer unpunished; And We presumed to intimate the present Debility of the Government under the late Administration of the Laws. If the pointing out those Truths to your Honour can be esteemed 'indecent' and 'unbecoming,' we

justly merited Your Censure. But if to advise and to intreat Your Honour to support the King's Authority, committed to Your Care for the protection of his People, is an indispensable Obligation which we owe, both to His Majesty and our Constituents. And if, in the discharge of this Trust, we have incurred Your Displeasure, we can the more chearfully bear it, as we are conscious we were actuated by no Motives but our Duty, and the good of the Country.

"This is the 'Spirit' which prevails among us. If you suspected us of any other, you did us great Injustice; And had more of this Spirit been exerted by your Honour, we are persuaded the Murderers of the Indians at Conestogo and Lancaster, would, long e'er now, have suffered the Punishment they deserved; Numerous Offenders would have been deterred from the Perpetration of the most Henious Offiences. The Honour of the Government would have been maintained, and that Order supported, which only can ensure Safety and Happiness to the Subject.

"That 'the averting an Indian War and the sad effects of it, were the principal Objects at the opening of this Sessions,' we agree, and we hope we have demonstrated by our Conduct a faithful discharge of our Duty herein, so far as our Power extended. We, at your Instance, prepared a Bill with all possible Dispatch, for removing the Lawless Intruders from the Indian Lands. And to leave nothing undone which could possibly tend to remove the Indians discontent, we Voted and granted a sum of Money to be expended in Presents of Condolance for the Number of Indians who have been cruelly Murdered in and on the Frontiers of this Province, and other Gifts for regaining their Friendship. These things we were more especially induced to do, as we despaired from your Declaration, that the Offenders were likely to be apprehended or Public Justice satisfied, which the Laws and Policy of all civilized Nations strictly require.

"But you are pleased to tell us that 'the two only Causes of Complaint you find mentioned in His Excellency General Gage's and Sir William Johnson's Letters, are the Intrusions of our People on the Indians' Lands, and the Insults and Hostile Acts they have received from the Frontier People, chiefly from Virginia;' and you Charge us, that not being 'content with the Causes pointed out by those Gentlemen, we have proceeded to investigate others.' Your Letter from Sir William, laid before us, we did not receive until the 21st Ultimo. Our Message, upon which you found the Charge against us of unnecessarily investigating other 'Causes than those pointed out by him,' was sent up to your Honour on the thirteenth Ultimo.

"With what Propriety, then, could you Assert that we were not content with the Causes pointed out by Sir William, when we had not seen his Letter? But had this Letter come to your Hands, and been earlier laid before us, we must have been blind indeed not to have discovered that there are other Causes than those you assign; because, after men-

tioning them, this Gentleman adds the words [&c^a] which, to a Person desirous of investigating all for the Public good, might have shewn there were 'others' than those particularly specified. The Copy of the General's Letter is now before us, and we cannot help expressing our surprize that you should refer us to that Letter to find that 'the two Causes' recited in your Message are the only Causes of the Indians' complaint. Had your Honour attended to a few words just preceding those you have been pleased to select, you would have found your mistake, and plainly discovered that the General in very explicit Terms assigns other Causes. That the whole Truth may, however, appear, we beg leave to Quote the very Words of his Letter, not transposed as they are in your Message, but in the Order they stand. They are these: That altho' 'several Causes' for their present ill Temper are suggested, yet the Insults they have received from the Frontier People, chiefly from those of Virginia, and the Obstinacy of the People, who persist to settle on their Lands, not only without their Consent, but in Contradiction to their warmest remonstrances and the Endeavours that have been used to remove them, I perceive to be the most immediate *Cause* of their present Discontent, Hence it appears very contrary to what you have alledged, that the Matters asserted by you as the only two Causes of Indian Complaint are styled by the General 'the most immediate Cause,' and of Consequence, that there remain 'other Causes' for their present ill Temper. Indeed, had his Excellency omitted to mention any other Reasons for the Indian Disquietude than those your Honour seems so remarkably attached to, We apprehend it requires but a small Knowledge of the Dispositions and Policy of the Natives, and of what has unhappily passed in this Province, to discover many others. The Indians have strong Ideas of Justice, and retain a warm Resentment for Injuries. The Murder of their People they esteem not only a private Loss to their Relatives but a publick one to their Nation, And they seldom forget or forgive Insults of this Nature without obtaining satisfaction from the Government where they were committed, And, therefore, when we consider the Number of their People who have been cruelly Massacred by a lawless part of the Inhabitants of this Province, We cannot conceive that Your Honour can be at a loss to find out some of the other 'Causes' intimated, tho' not expressly enumerated by the General; And if in the Investigation of those Causes we have unfortunately given Your Honour offence, it is an Offence we assure you we could not well avoid. His Excellency's Letter, and the seeming sincerity with which you declared your Readiness in your first Message on this subject, 'to remove the just Causes of Indian Complaints of past Injuries,' and an anxious Desire of uniting with you in a Measure so necessary to the future Safety of the Province, led us into the Enquiry which we conceived to be our Indispensable Duty, as it appeared necessary to avert the Calamites of an Indian War.

"The oblique Insinuation thrown out by your Honour that those Enquiries were taken up rather with a view to distract your 'Councils than to remove the present Causes of Indian Dissatisfactions,' tho' of a high Nature, gives us no Concern, Our Innocence and Actions we trust will not only vindicate us against this intended Aspersion, but against any others which you may think proper to cast upon us; Nor are we to be thus diverted from firmly discharging our Duty to the Crown and our Constituents.

"Those Enquiries were entered into and made before we knew of the Murders committed by Frederick Stump and his Servant; On the 7th of January Mr. Croghan was examined on these Matters before this House; On the 13th our Message mentioning this Enquiry was sent to you, and the Letter from Colonel Armstrong, giving you the first Account of the Rescue of Stump and his Servant, which seems to have thrown your Councils into so much Confusion, was not wrote before the 29th of the same month. How then was it possible that the House could intend to distract your Councils' at the Time those Enquiries were taken up. They could not suspect that a Request made to your Honour could have that effect when they knew of no other matters before them. If your Councils are Distracted, we disclaim all share in the Causes of that Distraction. And we think you might with much greater Propriety and Justice have derived it from another Source. Councils must undoubtedly be involved in Perplexities and Confusion, when the Execution of Laws for a long Series of Time has been grossly neglected; Murderers and other Offenders permitted to escape with Impunity, and the Government thereby brought into the utmost Contempt. To these Causes the present difficulties attending your 'Councils,' are only to be ascribed, and not to anything which we have done or ever thought of doing; And, therefore, this most unkind Insinuation against us is the more ungenerous and unjustifiable.

"Your Honour is pleased to repeat your 'Detestation of the Murder of the Indians at Conestogo and Lancaster,' and yet you are extremely unwilling to believe it 'one of the Causes of the present discontent among the Indians,' and you confess 'yourself at a loss to conjecture on what Intelligence we found our Opinion in this particular.' We will candidly inform your Honour upon what our Opinion is founded. It is upon the very Nature of those tragical Scenes and their apparent Consequences.

"Those Indians were chiefly Descendants from one of the most powerful Tribes of the Six Nations; They had Relations among them who have long since heard of their inhospitable and Barbarous Treatment while under the Protection of the Government. To suppose then that such Acts of Inhumanity had not created Uneasiness and Resentment, not only in those Relations but in the Nation principally, would be to flatter ourselves that they were void of all Passion and Policy, the contrary of which every Day's

Experience fully manifests; And when we further considered, that not one of those atrocious Murderers has been brought to Punishment in order to remove the Prejudices of the natives against the Government, nor that the usual Presents of Condolence has been made by this Province, to the Relatives, for the loss of their Brethren, we were greatly confirmed in our Opinion that these murders were one of the Causes of Indian Discontent. But we did not depend on those Reasons solely. We found, from the Examination of George Croghan, Esquire, Deputy Superintendant of Indian Affairs, that the Senecas had complained, among others, of those Murders, and we have been so happy, since, as to have our Opinion farther corroborated by another Authority, which we think your Honour will not dispute, as you have fully acknowledged it in your Message now before us. We mean from an impartial and full State of all the causes of Indian Discontent communicated in a Letter, during this Session, to our Speaker, by the Honourable Sir William Johnson, His Majesty's Superintendant of Indian Affairs. In this Letter Sir William expressly mentioned the Barbarity exercised on the unhappy Conestoga Indians, as one of the Causes, among others, of the intended Indian Hostilities against the Colonies. And in another Part thereof he says 'The Murder of the Conestogos, still fresh in their Memory, gives them much Pain.' Thus your Honour may perceive that we have not 'taken it for granted' that the Murder of the Conestogo Indians 'is one Cause of Indian Complaint, But that we are supported by good Information, and on the very Authority which you so strongly recommend in your Message.

"In order, however, to divert us from examining into this Cause of Indian Complaint, and from pressing you to put the Laws in Execution against the Offenders, you inform us 'that the Six Nations, upon Sir William Johnson's laying before them and explaining to them this Affair, at your Request, in the Year 1764, were so far satisfied that they received Belts from Him on the Occasion, and suffered him to cover the Graves of their deceased Brethren.' And can your Honour believe that such uncommon Injuries can be attoned for, and the Resentment of the Indians so easily eradicated? Under these Circumstances we are at a loss to conjecture upon what Motives you act when you attempt to persuade us that 'the Barbarity exercised on the unhappy Conestoga Indians, was not 'One of the Causes of the Indian Discontent.' We would charitably hope that this Measure was not taken up rather with a view to cast a Veil over the inexcusable Conduct of the Magistracy under your Superintendance, and to avoid a speedy and diligent Inquisition after the Murderers, than to restore the lost Authority and Dignity of the Government. But indeed the bad Policy of treating such important Matters with Neglect, or very little Regard, appears now fatally evident, as it is too clear to be denied that those Murders, of which so little Notice has been taken, are one

of the Causes which threaten the Colonies with an Indian War; And we must say that the situation of the Province, in our Apprehension, is truly most deplorable, when the late Murders in the County of Cumberland can 'involve' you in such 'Difficulties' as to render it necessary to Postpone to 'a more proper Season,' a Matter of equal if not greater Importance to the Safety of the Colony. The proper Time for punishing Offenders is as soon as possible after the offence is committed; every neglect or delay does but encourage them and others to the Perpetration of the like or other Crimes. And as those offenders have too long already eluded the hands of Justice, no 'season' in our Opinion, can be more 'proper,' than that which demands their Conviction, to avert the impending Calamities of a general Rupture with the Indians.

You are further pleased to alledge that 'you are called upon by us in a manner the most extraordinary, to vindicate yourself, and as it were, arraigned by us for neglecting the Duties of your Station relative to Murders committed upwards of four Years ago.' We do not pretend to 'Dictate' or to have any Power over your Honour, but we conceive we have a Right, as the Representatives of the Freemen of this Province, to enquire into every Cause which threatens the Public Safety, to point out the Failures in the Administration of Justice, to advise and request you would enforce a due Execution of the Laws, and make Examples of the Delinquent Officers; and we think it is also our Right to know how far those reasonable Requests are complied with. And should we observe any Omission or Neglect in a Governor, which is likely to bring the Authority of Government into Contempt, and thereby to endanger the Lives of His Majesty's Subjects, We cannot but think we ought, with Plainness, Firmness, and Resolution, to remonstrate against such Omissions or Neglects; For your Honour will be pleased to consider, that herein the Lives, Estates, and every thing the People of this Province hold dear and valuable, are intimately concerned, and if we were, as idle spectators, to see the Province we represent precipitating into a State of Anarchy with all its attendant mischiefs, we should be not only chargeable with a Breach of Duty to the Crown, but the People we represent.

But why your Honour mentions the time since those offences were committed, we cannot conceive. Was it to persuade us that the Punishment of Murder would be now out of 'Season'?— These Criminals you acknowledge, have eluded the force of our Laws upwards of 'four years,' and yet, many of them remain in the Province and may be easily discovered and apprehended. As distressing as this consideration must be to every sober Inhabitant, it is greatly aggravated by the Number of Crimes of the same Nature since comitted. Will your Honour permit us to place them in one view before you, that the dangerous effects of delaying Justice in Government may fully appear and incite you to do your Duty? In the year 1763, the cruel Massacres of Twenty Indians,

chiefly of the Six Nations, were perpetrated at Conestogo and Lancaster. In the same year a Delaware Chief met with the same Fate between Sherman's Valley and Juniata. In 1765, a Chief of the Six Nations was murdered near Bedford. In the year 1766, a principal Warrior of the Delawares was killed between Red-Stone Creek and Cheat River; and three Delaware Chiefs were Robbed and Murdered near Fort Pitt by two Inhabitants of this Province. An Indian was lately murthered in Northampton County; besides the late Barbarity committed by Frederick Stump and his servant on ten Indians on Middle Creek. And not one of those Murderers have been brought to Punishment. The last mentioned have indeed been apprehended thro' the virtuous Activity of Cap^{n} William Patterson, aided by a few of his neighbors, without any Authority from the Magistracy. But, when taken into Custody by the Sheriff, under the Chief Justices' Warrant, and ready to be brought by a Guard to this City for Examination, did not two of the inferiour Magistrates insolently presume to supersede the Power of that Warrant, and commit the Prisoners by their own Authority to the County Goal, and one of them to discharge the Guard raised by the Sheriff, thereby affording an Opportunity to the lawless part of the County of rescuing them. This Rescue has since taken place by a Number of Armed Men; And not a single Offender apprehended that we have heard of, tho' many of them are well known and residing in the County. Where can these things terminate but in Tumults and a Total Abolition of the Powers of Government? For, can we reasonably expect that those avowed violators of the Faith of Treaties and the Laws of God and their Country will stop here, and not exercise the same Acts of inhumanity on the good People of the Province? Their Numbers and Connections are continually encreasing by the Perpetration of new Offences, and fresh Difficulties occurring with them to oppose the Execution of the Laws, while the Powers of Government, which ought in all good Policy to check the growth of Crimes in their Bud, are either not exercised at all, or with so little Effect as to incite neither Fear or Respect.

"But our pressing these Matters on your Honour, you are pleased to Term 'no less unkind and Indecent towards you, than imprudent with respect to our present Pursuit, for Reasons which must occur to us on cool and dispassionate Reflection, though they are altogether improper to be made public at this particular Juncture.' We trust, that after so full an Explanation of our Motives as is mentioned in this Message, you will readily alter your Sentiments with respect to the Indecency of our Conduct. And as to the 'imprudence' of the Measure, though we have 'coolly and dispassionately' sought for the Reasons which you say 'must occur to us,' we assure you we are at a Loss to discover them, unless they arise from an Apprehension in your Honour that it is impracticable under the present debilitated Administration of Government, to Punish the Authors of Crimes committed at different Periods.

"You are pleased to tell us that you 'contented yourself with returning a short Answer to our first Message, letting us know what Steps you had taken to discover and bring to Justice those who had been concerned in the Lancaster Murders.' Your Answer was indeed short, but truly alarming to Us. The very extraordinary Declaration made in that Message, that, 'in your Station you conceived nothing more can be done without doing an Act of Violence to the Constitution,' afforded us a Melancholy Prospect of future Insecurity. And, as it seems nothing more can be done in Your Opinion, by the Supream Magistrate of Pennsylvania, towards bringing the most Capital Offenders to Justice, 'than writing a few Letters to the Inferiour Officers (who have contumaciously disobeyed them), and issuing a Proclamation, which has been treated with the utmost Indignity, every Impartial Person must be convinced that the Powers of Government, vested in thee feeble Hands of a Proprietary Governor, are too weak to support Order in the Province, or give Safety to the People.

"JOSEPH GALLOWAY, *Speaker.*"

This Afternoon an Express brought a Letter from a Chief of the Indians at the Great Island, to Captain William Patterson, in Answer to his Message sent them the 22d of last month, and is as follows, Viz^{t}:

"February 17th, 1768.

"Loving Brother:

"I received your Speech by Gershom Hicks, and have sent one of my Relations to you with a String of Wampum, and the following Answer:

"Loving Brother:

"I am glad to hear from you; I understand that you are very much grieved, and that the Tears run from your Eyes. With both my Hands I now wipe away those Tears; and, as I don't doubt but your Heart is disturbed, I remove all the Sorrow from it, and make it as easy as before; I will now sit down and Smoak my Pipe. I have taken fast hold of the Chain of Friendship, and when I give it a Pull, if I find my Brothers, the English, have let it go, it will then be Time for me to let go, too, and take care of my family. There are four of my Relations Murdered by Stump, and all I desire is, that he may suffer for his wicked Action; I shall then think that Your People have the same Goodness in their Hearts as formerly, and intend to keep it there. As it was the Evil Spirit who caused Stump to commit this bad Action, I blame none of my Brothers, the English, but him.

"I desire that the People of Juniata may sit still on their Places, and not put themselves to any Hardships by leaving their

Habitations, whenever Danger is coming, they shall know it before it comes on them.

"I am your Loving Brother,

"SHAWANA BEN.

"To Captain WILLIAM PATTERSON."

At a Council held at Philadelphia on Wednesday 24th Feb^{y} 1768.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}

William Logan, James Tilghman, } Esquires.

The Governor having considered the Necessity of taking immediate Measures for the removal of the Settlers on the Indian Lands, pursuant to the Law lately passed for that Purpose, and desired that a Proclamation might be prepared agreeable thereto, the Draught of one was laid before the Board and approved, and 250 Copies thereof were ordered to be Printed without delay.

In was then agreed that the Reverend Mr. John Steel, John Allison, Christopher Lemes, Esquires, and Captain James Potter, of Cumberland County, should be requested to go to the Mongahela, Youghiogeny, and other Places Westward of the Allegheny Mountains, where any Settlements are made within this Province, and to set up a Number of the Said Proclamations in the most public Places of those Settlements, and to Read and explain the same to the People, and to use their best endeavours to induce them to pay due Obedience thereto. A Letter of Instructions was accordingly drawn up and approved, and the same was directed to be sent by Express to those Gentlemen, together with a Number of the Proclamations, and Sixty Pounds in Cash towards defraying the Expences of their Journey. The Proclamation and Letter follow in these Words, viz^{t}:

"*By the Honourable JOHN PENN, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania and Counties of New-Castle, Kent, and Sussex, on Delaware.*

"A PROCLAMATION.

"WHEREAS, by an Act of General Assembly of this Province, passed in this present year, it is, among other things, provided and enacted, that if any Person or Persons, settled upon any Lands within the Boundaries of this Province, not purchased of the Indians by the Proprietaries thereof, shall neglect or refuse to remove themselves and Families off and from the same Lands, within the

space of Thirty Days after he or they shall be required so to do, either by such Persons, as the Governor of this Province shall appoint for that Purpose, or by his Proclamations to be set up in the most Public Places of the Settlements on such unpurchased Lands, or if any Person or Persons being so removed, shall afterward return to his or their Settlements, or the Settlement of any other Person, with his or their Family, or without any Family, to remain and settle on such Lands, or if any Person shall, after the said Notice to be given as aforesaid, reside and settle on such Lands, every such Person and Persons so neglecting or refusing to move with his or their Family, or returning to settle as aforesaid, or that shall settle on any such Lands, after the Requisition or Notice aforesaid, being thereof legally convicted by their own Confession, or the Verdict of a Jury, shall suffer Death without the Benefit of Clergy. Provided always nevertheless, that nothing herein contained shall be deemed or construed to extend to any Person or Persons, who now are, or hereafter may be settled on the main Roads or Communications leading through this Province to Fort Pitt, under the Approbation and Permission of the Commander-in-Chief of His Majesty's Forces in North America, or of the Chief Officer commanding in the Western District to the Ohio, for the Time being, for the more convenient Accommodation of the Soldiery and others; or to such Person or Persons as are, or shall be, settled in the Neighborhood of Fort Pitt, under the Approbation and Permission, or to a Settlement made by George Croghan, Esquire, Deputy Superintendant of Indian Affairs, under Sir William Johnson, on the Ohio above the said Fort, any thing herein contained to the contrary in any wise notwithstanding. In Pursuance, therefore, of the said Act, I have thought proper, by the Advice of the Council, to issue this my Proclamation, hereby giving Notice to all and every such Person and Persons who are settled upon any Lands within the Boundaries of this Province not purchased of the Indians by the Proprietaries thereof, (except as in the said Act is excepted) to remove themselves and their Families off and from the said Lands, on or before the first Day of May next ensuing; And I do hereby strictly charge and command such Person and Persons, under the Pains and Penalties by the said Act imposed, that they do not, on any Pretence whatever, remain or continue on the said Lands longer than Thirty Days after the said first Day of May next.

"Given under my Hand and the Great Seal of the said Province, at Philadelphia, the Twenty-fourth Day of February, in the Year of Our Lord, One Thousand seven hundred and sixty-eight, and in the Eighth Year of His Majesty's Reign.

"JOHN PENN."

"By His Honour's Command.

"JOSEPH SHIPPEN, Junior, Secretary.

"GOD SAVE THE KING."

A Letter from the Governor to the Reverend Mr. John Steel, John Allison, and Christopher Lemes, Esquires, and Captain James Potter.

"PHILADELPHIA, 24th February, 1768.

"Gentlemen:

"As there has lately been made a Law for removing the Persons who have settled upon the Lands of the Indians within the Bounds of this Province, as yet unpurchased by the Proprietaries, by the Terms of which they are to be required by Proclamations, or otherwise, to depart from their Settlements; And as it is proper that this part of the Law should be carried into Execution by Persons of influence and Discretion, I am to request you to take the burden of that Service upon you.

"You will herewith receive a number of Proclamations issued in Pursuance of that Act of Assembly. With these, you, or any three of you, are desired to proceed with all possible Expedition to the Settlements made within this Province on Red Stone Creek, the Monongahela and Youghiogeny, and other parts of the unpurchased Lands to the Westward beyond the Allegheny Mountains; you are at Liberty to take in Company with you such two or three discreet and fit Persons as you think proper, one of them to be a Clergyman, (if such an one can be prevailed on to attend you). When you arrive at the Settlements, you are to collect together as many People of each of the Settlements as you can, to whom you are to read the Proclamations and explain the Nature of them, and to expostulate with them upon the Folly and injustice of their settling upon the Indian Lands, the dangerous Tendency of such a rash Step, both to themselves and other Settlers upon the Frontiers, the necessity and use of Civil Government, the Obligation of Laws in General, and the Consequences of their disobeying the Law now made on purpose to remove them. You are afterwards to set up in the most public places of each Settlement several of the Proclamations; and to leave others of the Proclamations in the hands of such of the Settlers as you may think proper. You are also to disperse them at all public Places on the Road. You are desired to learn in the most prudent manner, the Names of as many of the Settlers as you can, and to take an Account of them, and to keep an exact Journal of your Proceedings in this Service, and to report the same to me in Writing, immediately upon your return, with an Account of your Expences, and those of the Persons who shall attend you, which will be paid, together with a reasonable Satisfaction for your Trouble, towards defraying which Expences you will receive the Sum of Sixty Pounds by this Opportunity. I am with great Respect,

"Gentlemen, Your most Obedient
"humble Servant,
"JOHN PENN.

"To the Rev^d. Mr. John Steel, John Allison, & Christopher Lemes, Esq^rs, and Captain James Potter, Cumberland County.

Then was Read a Letter which the Governor had just received from Major General Gage, of the 20th Instant, which is as follows, viz^{t}:

March the 1st, 7 o'Clock P. M.

An Express arrived with a Letter to the Governor from John Armstrong, Esquire, at Carlisle, which was ordered to be entered on these Minutes, and is as follows, viz^{t}:

A Letter to the Governor from John Armstrong, Esquire.

"CARLISLE, 26th of February, 1768.

"May it please Your Honour:

"I thank your Honour for your favour of the 20th Instant, which came to hand at the same time as your last general Letter to the Magistrates of this County, and also for the Liberty you are pleased to grant me of going to Philadelphia for the Justification of my Conduct, in regard to that opposition to the Chief Justice's Warrant with which I am charged, in the Case of Frederick Stump, and shall accordingly wait of your Honour as soon as I possibly can.

"The less therefore is at this time necessary to be said, having lately sent a State of that Matter to the Chief Justice, which I expect he will produce to your Honour. Had I on that occasion been conscious of disobedience or injury to the Public, it is not very likely I should have wrote you in the Manner I did, and in so many different Letters, have always neglected even the least labour to Justify myself. I knew my own innocence and never imagined that any Person would even suggest the contrary, or that my Conduct could be plac'd to your Honour in that point of Light in which it now appears to stand, for however directly or otherwise any may have wrote or spoken to my disadvantage, or however mistaken I might by any means have been, yet an Act so unnatural as that of voluntary disobedience, either to your Orders, or the Chief Justice's Warrant, I beg leave to say, is at least highly improbable, unless I were known to be actuated by Principles equally opposed to virtue and my own Interest.

"The Letters I wrote were never intended to palliate the Crime of the lawless Mob who rescued the Prisoners, but readily confess that at that Time I had strong expectations they would be returned, which led me to mention these things that your Honour now construes to be against me. T'is very true I was desirous that the impending Resentment of the Government might be mitigated, had they returned the Prisoners, but this desire arose from very different Motives than barely to cover their Crimes; my Principal intention was to acquaint your Honour more generally of the prevailing Temper and Sentiments of the People, which I conceived necessary that you should know, and therefore incumbent upon me to relate.

"The anxiety and public Concern I have had on the present occasion has at least been considerable; but your Honour's Conceptions of my conduct have added a compleat supplement. However, as by the utmost exertion of my Capacity I find myself still unable to render that satisfaction for which I have faithfully laboured, Duty obliges me to rest in one comprehensive Wish. The Will of God be done.

"As soon as the breaking up of the River would admit a Passage, I did not fail of having conveyed for your information all I then had heard—but deferred sending another Express untill the utmost intelligence would be had, from which it is now evident that Stump and Ironcutter are both set at Liberty. The former it's said went first to the Parts where he had lived—thence proceeded to his Fathers in Tulpahawka, in which neighborhood 'tis alledged he yet remains. That his Friends are to ask advice of some able Councellor in the Law, to know whether there is a good Prospect of his safety, and should the answer be agreeable, that he may be expected to deliver himself up in the month of April, otherwise is determined to flee somewhere, and most probably I should think in some part of Virginia. Ironcutter it's said was carried off by a German, supposed to be from Tulpahawka, but I think it natural to suppose that Stump and he will both repair to some back part of Virginia, if they are not already gone. I shall not insert the Reasons Assigned by the Rioters for their aggravated Guilt in dismissing Ironcutter also, the grand Reason being now evident—unwillingness that White Men should be brought to the Risque of Life for Killing Indians at this time, when War is expected.

"I herewith send a Copy of the proceedings of the Magistrates on receipt of Your Honour's Orders of the 20th Instant, and had intended their Meeting on the 25th, in consequence of former Orders. We have got Testimony against 21 of those that committed the Rescue, including the Ring-leaders, as we suppose, and have already issued a Number of Warrants. I design this by Express, but, if disappointed, by the first safe hand, and am, Sir,

"Your most Obedient

"humble servant,

"JOHN ARMSTRONG.

"Governor PENN."

—

March the 3d.

The Express sent to the Reverend Mr. Steel on the 24th Ultimo, being returned, delivered to the Governor a Letter from the said Gentleman, with two others from a number of the Justices of Cumberland County, which were ordered to be entered on these Minutes, and are as follow, Viz^{t}:

A Letter to the Governor from the Reverend Mr. Steele.

"CARLISLE, February 27th, 1768.

"May it please your Honour:

"I received Your favour of the 24th Instant, a few Hours ago, and will send off to-Morrow Morning to acquaint the Gentlemen whom I am to accompany, and transmit to them a Copy of your Honour's Instructions. I expect to take Journey from Carlisle in a few days, being persuaded it is Your Pleasure that all possible Dispatch be made.

"Whatever the Success shall be, I hope Your Orders shall be faithfully executed. I am

"Your Honours
"most Obedient
"humble Servant,
"JOHN STEEL.

"P. S. I acknowledge the Receipt of Sixty Pounds, &c^a.
"J. S.

"To the Honourable John Penn, Lieutenant Governor, &c^a, in Philadelphia."

A Letter to the Governor from Six of the Justices of Cumberland County.

"CARLISLE, February 28th, 1768.

"May it Please Your Honour:

"Your Commands per Captain William Patterson, of the 20th Instant, came to hand on the 24th; on receipt, a Number of the Justices met the same Evening at Carlisle, (Mr. Montgomery assisting,) to concert Measures how to execute your Honour's injunctions in the most effectual Manner. As it appeared to us utterly improbable that these Licentious People who rescued Stump, would or ever had it in their Power to return to Justice the Perpetrators of the late Murder on the Indians, and as the best Intelligence we can gain renders it Matter of scruple whether he be in our County, we proceeded to take information on Oath, and issue Warrants to the proper Officers, for Apprehending and securing in Goal those Villains who were concerned in the Rescue. We have inclosed a List of the Names of such as we have discovered.

"We have transmitted a Copy of your Honour's Injunctions to the Justices of the upper end of the County, with our Advice to exert themselves, as it appeared probable to us that the Murderers might take that way to Virginia, where it is thought they will seek Refuge.

"We cannot sufficiently acquit ourselves in not aequainting Your Honour, yet we can assure you the Sheriff, Justices, and several of the Principal People, have exerted themselves with all their might to regain Stump and Ironcutter; tho' we have not had success, We are persuaded all pains will be used by the proper Officers to apprehend the Rioters, and that the Magistrates will be aiding hereunto with all their influence.

"With all Wise and Good Men, we abhor the Base Insult on Government, sensible of the direct Tendency of such a Crime to the subversion of Order, Justice and Property.

"We are concerned your Honour's Orders and the Chief Justices' Warrant were not immediately complied with, which we conceive might have been done with safety before those Licentious People had time to Cabal and contrive their Plan; this we think might have prevented such disagreeable consequences, nor can we conceive why it was not done. But your Honour no doubt has had the Reasons laid before you.

We are, with many others, highly pleased with the brave Conduct of Captain William Patterson, (he did Honour to our County,) and the Notice your Honour has taken of Merit in the manner of expressing your Approbation, we persuade, will influence not only the Young Man himself, but others, to behave worthily.

"We gratefully acknowledge Your Honour's Goodness in repeating Your Injunctions of the 4th Instant, as most of Us had not the Pleasure of seeing them before. We shall willingly receive from time to time what Commands your Honour may think proper.

"We are your Honour's most
"Obedient humble Servants,
"JONATHAN HOGE,
"AND$^{w.}$ COLHOUN,
"JA$^{s.}$ GALBREATH,
"JN$^{o.}$ BYERS,
"JN$^{o.}$ M^{c}KNIGHT,
"HARM$^{o.}$ ALRICKS.

"The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c$^{a.}$"

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A Letter to the Governor from James Galbreath and John Hoge, Esquires.

"EAST PENNSBOROUGH, 29th of February, 1768.

"Honoured Sir:

"We take this opportunity to inform you, that on the twenty-seventh of this Instant, at Allen Township, in the County of Cumberland, one James Thompson found an Indian Man lying Dead, within the Water Mark of the River Susquehanna, who without

doubt, is one of the Indians Stump killed, and was brought down there by the Water. As soon as we heard thereof, hearing at the same time that the Coroner was Sick, we went down and held an Inquest on the Dead Body. He was struck, as appeared to us, two or three times with the Pole End of a Tomahawk on his Forehead, which broke his Skull. There was also a large Scalp taken off his Head, which took both his Ears. We held the Inquest the twenty-eighth Instant, and Interred him Decently; Cut small Poles, and made a Penn about his Grave. We have nothing material more to inform you of at present, but beg leave to Subscribe ourselves,

"Your most Obedient and humble Servants,

"JAS. GALBREATH,
"JONATHAN HOGE.

At a Council held at Philadelphia, on Wednesday 16 March, 1768.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c[a].

William Logan, Richard Peters, } Esquires.
James Tilghman,

The late Measures taken by the Government for regaining Frederick Stump and John Ironcutter, having proved ineffectual, it was Judged expedient by the Board, that the Governor should issue a Second Proclamation, offering a new reward of Two hundred Pounds for bringing Frederick Stump to Justice, and One hundred Pounds for John Ironcutter, and Publish a Description of their Persons. The Concurrence of the Commissioners appointed by Law, passed the 17th of February last, for raising and applying three thousand Pounds for the Purposes therein mentioned, being obtained with respect to the said Rewards, a Proclamation was immediately prepared, approved, and ordered to inserted in the Pennsylvania Gazette and Journal, and two hundred Copies of the same were directed to be Printed on Seperate Sheets, to be dispersed through the Province. The Proclamation follows in these Words, viz[t]:

"*By the Honourable JOHN PENN, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of New Castle, Kent, and Sussex, on Delaware:*

"A PROCLAMATION.

"WHEREAS, a Number of armed Men unlawfully assembled, did, on Friday the 29th of January last, forceably enter the Goal of Carlisle, in Cumberland County, and in Defiance of the Laws,

rescue from thence the Persons of Frederick Stump and John Ironcutter, who had been apprehended and committed there for the Murder of Ten Indians on Middle Creek, and have since set them at Liberty; *And Whereas*, the Measures hitherto pursued for retaking the said Stump and Ironcutter have proved ineffectual, and there is reason to believe that the Murderers are either concealed within this Province, or have made their Escape to some of the neighbouring Colonies; *And Whereas*, it is absolutely necessary in the present critical Situation of Affairs, for the Preservation of the Peace and Friendship subsisting between His Majesty's Subjects and the several Indian Nations, and it is also highly expedient for the Discouragement of such atrocious Crimes, that the said Frederick Stump and John Ironcutter Should be brought to exemplary Punishment:

"I have therefore, with the Advice of the Council, thought fit to issue this, my second Proclamation, hereby strictly charging and commanding all Judges, Justices, Sheriffs and Constables, and other officers, as well as all other His Majesty's subjects within this Government, to make diligent search and enquiry after the said Frederick Stump and John Ironcutter, and to use all possible Means for apprehending and securing them, that they may be proceeded against, according to Law. And as an Encouragement for bringing the said offenders to Justice, I do hereby promise and engage, that any Person or Persons who shall apprehend and secure the said Frederick Stump and John Ironcutter, so that they be prosecuted to Conviction, shall have and receive as public Rewards, for Frederick Stump Two Hundred Pounds current Money of this Province, and for John Ironcutter One Hundred Pounds, and for the better discovery of the said Stump and Ironcutter, I have caused a description of them to be published at the Foot of this Proclamation.

"*Given* under my Hand and the Great Seal of the said Province, at Philadelphia, the sixteenth day of March, in the year of our Lord one Thousand seven hundred and sixty-eight, and in the eighth year of His Majesty's Reign.

"JOHN PENN.

"By his Honour's Command,
JOSEPH SHIPPEN, Jun^r^ Secretary.

"GOD SAVE THE KING."

Description of Frederick Stump and John Ironcutter, viz:

Frederick Stump, born in Heidleberg Township, Lancaster County, in Pennsylvania, of German Parents. He is about 33 Years of Age, five feet eight Inches High, a stout active Fellow, and well proportioned, of a brown Complexion, thin visaged, has small black eyes with a Down-cast Look, and wears short black Hair. He

speaks the German language well, and the English but indifferently. He had on when rescued, a light brown Cloth Coat, A blue Great Coat, an old Hatt, Leather Breeches, blue Leggings, and Mockasons.

John Ironcutter, born in Germany, is about 19 Years of Age, five Feet six Inches high, a thick clumsy Fellow, round shouldered, of a dark brown Complexion, has a smooth full Face, Grey Eyes, wears short brown hair, and speaks very little English. He had on when rescued a Blanket Coat, an old Felt Hat, Buckskin Breeches, a pair of long Trowsers, course White Yarn stockings, and Shoes with Brass Buckles.

The Governor received a Letter yesterday from George Croghan, Esquire, Deputy Superintendant for Indian Affairs, acquainting him that he was about to proceed to Fort Pitt, by Orders of Sir William Johnson, in order to condole with the Western Indians in behalf of this Province, whom he expected to meet there by the 25th of this Month, and that if any Commissioners were appointed to represent this Province at the Treaty, and to see the Delivery of the Condolance Presents, they should set off in a few Days. His Honour thereupon directed the Secretary to dispatch Letters to the several Members of Assembly, appointed by the House to attend the Indian Treaty, requesting they would come to Town on Saturday next, to agree on which of them should undertake that Business, and to receive the necessary Instructions on the Occasion.

At a Council held at Philadelphia, on Saturday the 19th March, 1768.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c[a].

William Logan,	Lynford Lardner,	Esquires.
Richard Peters,	Richard Penn,	
Benjamin Chew,	James Tilghman,	

The Governor acquainted the Board that having some time ago desired Colonel Armstrong to come to Town, in order to answer the Charges made against him of having opposed the execution of the Chief Justices Warrant requiring that Frederick Stump should be brought before one of the Justices of Oyer and Terminer at Philadelphia, both He and Mr. Holmes, the Sheriff of Cumberland, were now in Town and ready to attend the Council, in order to be examined with respect to their Conduct. Notice being immediately sent to them to appear before the Board, they attended accordingly.

They each related the Circumstances respecting the Detention of Frederick Stump in the Goal at Carlisle, the Reasons for taking that Measure, as well as the Manner and Cause of his Rescue, and then laid before the Board sundry Depositions in proof of what they respectively Alledged.

It appearing in their Examination that they disagreed in some particulars, and that Robert Miller and William Lyon, Esquires, Justices of the Peace, were also concerned in preventing the execution of the Chief Justices Warrant, the Council were of Opinion that *they* also should be examined with respect to their Conduct and Knowledge in this Matter, before any proper Judgement can be given on it.

The Board therefore advised the Governor to give Directions that Mr. Millar and Mr. Lyons appear before the Council on the first Tuesday in May next, to which Time the further Consideration of this Subject is Postponed.

John Ross and Joseph Fox, Esquires, of Philadelphia, Charles Humphreys & Isaac Pearson, Esquires, of Chester County, and William Rodman, of Bucks County, the five Members of Assembly named by House to attend the Treaty with the Indians, waited on the Governor this morning according to appointment, and acquainted him that the State of their Health and private Affairs would not admit of their taking a long Journey at this time, and desired to be excused from attending as Commissioners at the Treaty to be held at Fort Pitt.

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Tuesday the 22d of March, 1768.

MEMORANDUM.

The Governor having desired Mr. Galloway, the Speaker of the Assembly, to convene such of the Members as resided in the City, that they might consider of some other Persons whom they could recommend as Commissioners to attend the Indian Treaty and to be joined with Mr. Shippen, the provincial Secretary, whom he had named as one instead of those who had declined, Mr. Galloway with two other Members, waited on the Governor and acquainted him that they could not think of any suitable Persons who were willing to go on that Service, and requested the Governor would appoint such Gentlemen as he thought proper. His Honour was therefore pleased to nominate John Allen and Joseph Shippen, Junior, Esquires, as the Commissioners.

At a Council held at Philadelphia, on Tuesday 31st March, 1768.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c.

William Logan, Richard Peters, Benjamin Chew, Richard Penn, James Tilghman, } Esquires.

The Draught of a Commission and Instructions to John Allen and Joseph Shippen, Junior, Esquires, appointed to attend the Treaty to be held with the Indians at Fort Pitt, were laid before the Board, read, and approved, as was also the Draft of a Message to be delivered by them to the Western Indians after receiving such alterations or Additions as they with the Advice of Mr. Croghan should judge necessary to be made at Fort Pitt. The Commission and Instructions are as follow, Viz^{t}:

"A Commission from the Governor to John Allen and Joseph Shippen, Junior, Esquires, to attend a Treaty with the Indians at Fort Pitt:

[*L. S.*] "*The Honourable JOHN PENN, Esquire, Lieutenant Governor, and Commander-in-Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, and Sussex, on Delaware:*

"*To John Allen and Joseph Shippen, Junior, of the City of Philadelphia, Esquires, Greeting:*

"WHEREAS, in pursuance of a Law of this Province, passed the seventeenth day of February last, entituled 'An Act for raising and applying the sum of three thousand Pounds towards removing the present discontent of the Indians, regaining their Friendship, &c.,' the Commissioners therein named have, with my Consent and approbation, agreed that Twelve hundred Pounds, part of the said sum, shall be applied in defraying the Expence of presents of Condolence to the several Western Tribes of Indians now about to assemble at Fort Pitt, by the Invitation of Sir William Johnson, in Order to hold a public Treaty under the immediate direction of George Croghan, Esquire, Deputy Superintendant of Indian Affairs: *And whereas*, it is judged necessary that Commissioners should be sent on the part of this Province to attend the said Treaty, as well to distribute the several presents to the Indians, and to communicate the Messages of Condolance sent them by this Government on account of the Losses they have sustained by the Death of several of their People, as to confer with them on behalf of this Province, concerning such other matters as may tend to remove their present Jealousies and Discontent, and to preserve the Peace and Friendship subsisting between them and this Government. Now Know Ye, that Reposing special Trust and Confidence in your Loyalty, Fidelity, and Prudence, *I have* thought fit to nominate and

appoint you, the said *John Allen* and *Joseph Shippen*, Commissioners to attend the said Treaty with the Indians, in my room and stead, and to deliver to them such Messages as I shall give you in Charge, and make and distribute among them presents of Condolance in behalf of this Government, with full Power to You, or either of You, to confer with them, or with their, or any of their Chiefs or Delegates, and to receive from them any Messages or Answers which they may have to make respecting the Causes of their Complaint, Discontent, or Grievance, and concerning all and every other matter and thing which to You may appear necessary to be transacted, concluded, and agreed upon with the said Indians, so far as immediately concerns the Peace, Safety, and Interest of this Province in particular, as fully and amply, to all Intents and Purposes, as I myself might or could do, if I was personally present, Hereby ratifying and holding firm and effectual whatever You, the said *John Allen* and *Joseph Shippen*, or either of you, shall Lawfully do in and about the Premises.

"*In Testimony* whereof, I have hereunto set my hand, and caused the Lesser Seal of the said Province to be affixed, at Philadelphia, the thirty-first day of March, in the Year of Our Lord one thousand seven hundred and sixty-eight, and in the eighth year of His Majesty's Reign.

"JOHN PENN."

Here follows the Instructions.

Instructions to John Allen and Joseph Shippen, Junior, Esquires, Commissioners to assist on the Part of the Province of Pennsylvania, at a Conference to be held with the several Tribes of Western Indians, at or near Fort Pitt, under the immediate direction of George Croghan, Esquire, Deputy Superintendant of Indian Affairs.

"You are, with all convenient Speed, to proceed to Fort Pitt, and on your arrival there to communicate to the Commanding Officer your appointment to be my Commissioners to confer with the several Tribes of Indians that may be convened by Mr. George Croghan, at a general Convention to be held there, or at some other convenient Place in the Neighbourhood, and to desire his Presence and Assistance.

"You are to shew to Mr. Croghan the Indian Speeches herewith delivered to you, and to take his Advice with respect to their Propriety, and if it should appear to him and yourselves that any Alterations in their form are to be made for the good of the Service, or that any thing material has been omitted, you have my Authority

to make such Alterations or additions. You will, likewise, consult with Mr. Croghan on any matters the Indians may say to you, that what you shall reply thereto may be done according to Indian forms and Customs. You are to assure Mr. Croghan that I have a great dependance on his Care and Judgment, in advising you in every thing to be done, that may contribute to remove their Jealousies, and establish a good and lasting Friendship between the Indians and this Province. You are to take every measure in your Power to discover the real Sentiments and designs of the Indians, and if you find them favourably disposed to us, to give them all the Encouragements in your Power to confirm them therein; if otherwise, you are to endeavor to find out from whence such unfavourable dispositions have arisen, and to confer with them and endeavor to set them right. Should you find that the Settlements of their unpurchased Lands, especially those at Red Stone Creek and Cheat River, have given them uneasiness, or have been the Cause of their disaffection towards us, You are to inform them of all the several Steps which have been taken by me in this matter, for which Purpose you will take with you my several Proclamations, and the Laws lately passed, with all such Orders and Messages as I have sent to these People, to warn them off.— And as it is said by these Settlers, in their own vindication, that they had leave from, and were encouraged by some of the Indians to be in their Settlements, and to continue in them, contrary to the Laws of my Government, you are to enquire into the Truth of this, and if you find there is any foundation for it, you are to remonstrate this as a practice which will defeat every measure I may take to prevent any Encroachments on their Lands, and on this occasion you will remind them that they have repeatedly, and in the most solemn manner, engaged by Treaties not to sell any Lands within the Limits of this Province to any Persons but to the Proprietaries.

"As the minds of the Indians may be rendered greatly uneasy on Account of the late Murder committed by Frederick Stump and John Ironcutter on some of their Brethren, You are to acquaint them with the Account I have received of those Murders, and that it happened in consequence of some Violence offered to Stump's Family, and sundry other Provocations from those Indians.

"As the Assembly of this Province have voted the Sum of Three Thousand Pounds for Indian Services, &c^{a}., out of which Sum Sir William Johnson has wrote me word £1300 is necessary for him to lay out in Presents to the Indians now assembling at Johnson Hall, & £500 more is paid and allotted for the taking and securing of Frederick Stump; so that there remains only £1200 for this and other Indian Services. You are therefore to advise with Mr. Croghan what Sum will be necessary on this Occasion, and when that is agreed on you are to make out a proper assorted List of the Goods that are to be bought, and to draw on the Commissioners appointed by Law for the Amount thereof, according to the Proposal

of Mr. Croghan's to me that he would supply them of the best Kinds and Qualities at 25 ℔ Cent. advance on the Philadelphia prices. You are to consider whether it may not be proper to reserve a part of this Sum for any incidental Expenses that may arise on this or any other Indian matter. You are to endeavor to find out all the Relations of the deceased Indians, and to deliver to them such Presents of Condolance as shall be agreed on by you and Mr. Croghan, and to give the remainder as a Publick Present from the good People of this Province, to the other Indians that may be present at the Treaty. You are to take and keep exact Minutes of all your Conferences and Proceedings, and make Report thereof to me, and if any opportunity should offer from Fort Pitt to this place you are to write to me how you proceed.

"There are always some private Indians of Note, who have great influence over their respective Tribes; endeavor to find such out, Consult them and make them your Friends, which will be the means of having your Business more easily and better done. You may perhaps get from them the secret intentions of the Indians. *Given* under my Hand at Philadelphia, the thirty-first day of March, in the Year of Our Lord, 1768.

"JOHN PENN."

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Monday, April the 4th, 1768.

MEMORANDUM.

The Governor this day received by the Post, a Letter from Sir William Johnson, Baronet, dated the 16th of March last, inclosing an Extract from the Proceedings of the general Congress he had just held with the Six Nations, the Canada Confederacy and Cherokee Deputies, which were ordered to be entered on the Minutes of Council, and are as follows, viz^{t}:

A Letter to the Governor from Sir William Johnson.

Johnson Hall, March 16th, 1768.

"Sir:

"Since my last Return of your Express I have had the Congress with the several Nations, and the most troublesome I ever held, yet I have the pleasure to acquaint you, that the Pains I took amongst the principal Indians in private, has produced a much more favourable Disposition in them than before, which is as much as I could possibly expect. To remove their discontent totally, when we consider the Nature and Number of their Grievances, was more than could possibly be done; nor can it be expected, till they experience the Change in us. I inclose you that part of the proceedings which relates to the Affair in your Province, the rest, contain-

ing the Proceedings on behalf of the Cherokees, &c^a^ having no connection with it.

"The disagreeable News of the late Murder reached the six Nations on their way hither, as well as that the Murderer had been rescued, which had the like to have occasioned them to return back. On their Arrival, their discontent was but too visible, and that Affair was considered by them as an Introduction to something worse, which their natural Jealously had long caused them to suspect, but the Pains I took with their Chiefs in Private, and the many Arguments I made use of fully to explain the Acts lately passed by the Province, and the Steps which were everywhere taking for the future prevention of Murders and encroachments, together with the Light in which I placed the Present ordered by your Government, produced as good an Effect as I had Reason to hope for, and brought them, in the End, to a more favourable way of thinking, in which I am hopeful they may be continued, if they find these Laws operating in their behalf. The Number of Indians who attended on this Occasion was 760, besides which, 70 more arrived during the Congress, some of whom were related to the deceased. These I took particular notice of, and, as I had laid out the Sum intended, in such Presents as would best agree with their wants, it has proved very agreeable to them.

"I now take the liberty to draw on you, in favour of Mr. James Plyn, Merchant at Schenactady, or Order for thirteen hundred Pounds, Pennsylvania Currency; and suppose that Mr. Croghan is, by this time, enabled to proceed to Fort Pitt, agreeable to the Instructions I have sent him, to treat with the Indians in that Quarter, so as to put a Period to that disagreeable Business, which I have endeavoured, to the best of my Power and Influence, to conclude in the best manner for the Peace of the Province.

"I am so hurried at this time, in sending off part of the Cherokee Delegates by land, with a large Body of the Six Nations to escort them Home, by the way of Fort Pitt, that I have only time to assure you of my readiness always to serve you and the Family.

"As I am, Sir,

"Your most Obedient and very humble Servant,

"W. JOHNSON.

"P. S. A Gentleman from Connecticut, who dined with me Yesterday, told me that that Government was determined to send home a Agent in the Spring to Sollicit the Susquehanna Affair."

Here follows the Extract.

Extract from the Proceedings of a General Congress of the Six Nations, the Chiefs of Coghnawagey, and the Seven Confederate Nations of Canada, and the Deputies sent from the Cherokee Na-

tion to treat of Peace with the former, before Sir William Johnson, Baronet, at Johnson Hall, in March 1768.

March 4th, Sir William opened the Congress.

PRESENT:

Sir William Johnson, Baronet.

Sir John Johnson, Knight.

Daniel Claws, Guy Johnson, } Esquires, Deputy Agents for Indian Affairs.

Mr. Michael Byrne, Commissary for Indian Affairs.

Lieutenant Frazier, Mr. Robert Adams, Mr. Denniston.

John Butler, Esquire, Mr. Perthins, } Interpreters for the six Nations and Canada Indians.

Mr. John Watts, Cherokee Interpreter.

Sir William having propounded the Cause of their Meeting, and Condoled with the Indians on behalf all his Majesty's Subjects for the late Murders, particularly that of 10 Indians in Pennsylvania, told them that he should in due time speak to them in the Name of the Governor and People of that Province thereon, to which the Indians answered as follows:

"Brother Gorah Warraghiyagey:

"We give thanks to the great Spirit for enabling us to meet this day, after so many accidents as have befallen us, and we thank you for what you have said to us, which we have hearkened to with great Attention. We feel ourselves something easier since you spoke to us, and according to the Manner of our Forefathers, removed those Objects from before our Eyes which have given us Pain. Brother, We and our Dependents have been for some time like Giddy People, not knowing what to do; where ever we turned about we saw our Blood, and when our Young Men wanted to go hunting the Wild Beasts in our Country, they found it covered with Fences, so that they were weary crossing them; neither can they get Venison to eat or Bark to make Hutts, for the Beasts are run away and the Trees cut down. The French told us this would come to pass; and when our young Men sit down hungry in hot Weather, and find no Trees to shelter them, it makes them soon get drunk. Brother, we have got a great deal to say about these things, but as you have remembered our old Ceremonies, taken the Hatchet out of our Heads, and given us such good Words, we will do in like manner by you."

Then went through the Ceremony of Condolence with Strings and Belts, and buried the Axe, but did not as usual take it out of the Heads of the English.

March 5th, 6th, & 7th, was spent on the Cherokee affairs. March 8, after some Condolances amongst themselves, Sir William assembled them, and spoke as follows:

"Brethren:

"We are not ignorant of some private Conferences you have held, and of others which are intended shortly. We have heard of the Loss of some of our own People, and of the Threats of yours. We acknowledge that some of the English have lately injured you, but these whenever apprehended, will meet with just Punishment. Of this I have already spoke, and shall say much more to you to Morrow, and, as I hope, quiet your minds thereon. At the same time, let me observe to you, that it is the duty of all those who are bound by the same Chain in the Bond of Friendship, to communicate their Grievances without taking any private Resolutions of their own; this I hope you will do ingeniously, and I believe I partly know all that you can say, at the same time be assured, that the Great King, and his people, are sincerely disposed to promote your Welfare, and not suffer you to be injured, and that your several Grievances are now before the King, who has fallen upon Measures for your Redress, and for the future Security of your Persons and Property's, but the Misconduct of many of your People, and the Nature of your Complaints, have made it a work of time before such steps could be taken as could effectually guard us both from Injury. In proof of the Truth of what I now say to you, and on which you may firmly rely, here is a Letter which I have just received from the *Earl of Shelburne*, one of the King's first Ministers, wherein he assures me of it, and likewise desires that you may have Notice to attend early in the Spring, in order to settle the Boundary Line, as a farther Security to your Properties; then explained such parts as were necessary of Lord Shelburne's Letter, told them that he hoped they would have a due sense of the Purity of our Intentions, as a proof of which, he expected that they cast away all thoughts of resentment.

Gave a large Belt.

P. M., after a private Conference amongst themselves they assembled; when their Speaker, after having thanked the Great Spirit for the present Meeting and requesting Sir William to give attention to what they were going to say, addressed him as follows:

"Brother:

"We have often put you in mind of the many Promises which were made to us at the beginning of the late War by the Generals, Governors, and by Yourself; from all which we had the strongest Reason to expect that the Event of your Success would have proved greatly to our Benefit, that we should be favoured and Noticed, that we should not be wronged of our Lands or of our Peltry, that every encroachment should be removed, and we should live in Peace and Travel about without Molestation or Hindrance; at the same time the French told us that what was said was not true nor from your Hearts, and that the Day you got the better of them would be the

first day of our Misfortunes, you persuaded us not to believe them, but we have found it since too true, we soon found ourselves used ill at the Posts on the Frontiers and by the Traders. The People who had formerly wronged us, and who did not chuse to venture before to take Possession of our Rights, then rose up to crush us.

The Rum Bottles hung at every door to steal our Land, and instead of the English protecting of us as we thought they would do, they employed their superior Cunning to wrong us; they Murdered our People in Pensilvania, Virginia, and all over the Country, and the Traders began more and more to deceive, and now neither regard their own Character or the Officers sent to take Care of the Trade; so that if we are wronged who is to help us? we can't ramble over the Country for Justice, and if we did, we begin now to grow Old and Wise, and We see that your Wise Men in the Towns will always be against us. Your People came from the Sun rising, up our Rivers to the West, and now they begin to come upon us from the South; they have got already almost to Fort Pitt, but nothing is done to drive them away. You can't say that we have not often complained of this, and if You are not able or willing to do it, we can and must do so soon, or they will eat us up, for your People want to chuse all the best of our Lands, tho' there is enough within your part, with your own Marks upon it, without any Inhabitants

"Brother:

"This is very hard upon us; but it is not all, for the Road through the Country is no longer safe. The Pensilvanians and Virginians Murder all those of our People they can meet, without any Reason, and instead of leaving off, as you told us they would, they have Murdered *Ten* the other Day, two of which are our own People, the rest are our Young Brothers and Nephews, that depend upon us; yet, you won't take the Murderer, or do any thing to him. You are Wise; You have Government and Laws, but you don't prevent this; You often tell us we don't restrain our People, and that You do so with Yours; but, Brother, your Words differ more from your Actions than ours do. We have large, Wide Ears, and we hear that You are going to settle great Numbers in the Heart of our Country, and our Necks are stretched out, and our Faces set to the Sea-Shore to Watch their Motions.

"Brother:

"You that have Laws, and say you can make your People do what they are desired, should prevent all this, and if they won't let us alone you should shake them by the Head. We believe that you are wise, and that you can do all this, but we begin to think that you have no Mind to hinder them. If you will say you can't, we will do it for you; our Legs are long, and our Sight so good that we can see a great way through the Woods; We can see the Blood

you have spilled, and the Fences you have made, and surely it is but right that we should punish those who have done this Mischief.

"Brother:

"This is the Truth; it comes from our Hearts; why should we hide it from You. If you won't do Justice to our Fathers, the Mohocks, who are going to lose the Land at their very Doors; if you wont keep the People away from the Rivers near *Ohio*, and keep the Road open, making Pensilvania and Virginia quiet, we must get tired looking to you, and turn our Faces another way.

Gave a large Belt.

Then gave Thanks to His Majesty for what they had heard observed, that the Cherokees had given them such an Account of their Boundary Line, that they wished it might be made more advantageous for them, the Six Nations.

Sir William replied, that He was sorry they enlarged on Subjects he had so often answered, that the Redress of their Grievances was much more attended to by the English than they imagined; and after recommending it to them to remove all evil thoughts from their Hearts, added that he would the next day speak to them farther thereon.

Then Adjourned till next Day.

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At a Congress, March the 9th, with the before mentioned Nations, Sir William spoke as follows:

"Brethren:

"When I condoled Your late Losses on the part of His Majesty, and his Subjects in General, I then told you that I would, after the Treaty with the Cherokees was over, speak to you more particularly on the Subject of your Losses, in the name of the Governour and Inhabitants of Pensilvania, and acquaint you with his Resolutions, and that of his Assembly thereon. As the Peace is now happily concluded between you and the Cherokees, which I have had long at heart, and expect that you will all pay due regard to, I shall now speak farther to you on the Subject of your Losses, and the Steps taken by Pensilvania in Consequence thereof; and I exhort you all to hearken to what I say upon it.

3 Strings.

"Brethren:

"The late unhappy Affair seems to have been occasioned by Rum, that fatal Liquor to so many of your People. I do not say this to palliate the Murders, but to show you the pernicious Effects of Drunkenness.

"The Six first Indians that were murdered by a Man called *Frederick Stump*, at Middle Creek, in Pennsylvania, are said to

have been at his House, Drinking, and were greatly disguised, and as is too often the Case, very troublesome. Instigated, therefore, by the Evil Spirit, who delights in Blood, he killed them, namely: one Seneca, and three other Men, said to be Mohickon Indians, and two Women, and afterwards went to a Place at some Miles distance from his House, where he killed one Women, two Girls, and one Child, in all ten Persons, after which he went off; but some good Man who heard of it, pursued and apprehended him, and brought him to Goal, from whence some bad People found Means to force him, Whereupon the Magistrates and others, took every possible Step to find him out and bring him to Punishment; this is the Truth (So that You were misinformed by the Report that the White People did not chuse to take him).

"The Governor, when he heard of it, was greatly exasperated, and the assembly, who were then met, and passing some good Laws for your Benefit, were ready to do any-thing for apprehending the Murderer. The Governor hereupon issued a Proclamation for his being taken, for which he offered a Reward of £200, as a Proof of which here is the Proclamation which was sent, that you might see the good Intentions of that Province.

Here shewed them the Proclamation, which was afterwards Read and Explained.

Then Proceeded:

"Bretheren:

"Besides the Sum mentioned in the Proclamation, a larger Sum is provided for rewarding those who take the Murderers, and as so many are in Quest of them, there is great Reason to expect that they will be apprehended; and for your farther Security that Province has passed good Laws for punishing in the most severe Manner, all those who shall attempt to use you ill, or settle upon your Lands, and are determined to remove every Grievance in their Power, as quick as possible; at the same time they desire you to consider that they expect you will be as readily disposed to make them Retaliation whenever your People Act amiss towards them, and that you should remember they have had *Ten Men* Murdered going down the Ohio, by some Indians, and also, *one* in a Shawanese Village, and *one* near Fort Pitt, since the last Peace, and that no Peace can be lasting unless mutual Satisfaction be made for such Acts of cruelty. As a proof of the Sincerity of the Intentions of Pennsylvania, and to convince you that this late affair was the Act of only One, and that it gives great concern to the People, they have now voted, besides the Money they will give for the Murderer, the Sum of £2500; £1300 of which I have now to give you as a Testimony of their Love, to remove your Grief, and the remainder, being £1200, will be given by my Deputy, Mr. Croghan, at Fort Pitt, for the same Purpose, to the Tribes of that Country, and the Relations of those People who were Murdered. These things I have been impowered to inform

you by the Governor, Assembly, and People of Pennsylvania, and I give you this Belt to confirm it.

Gave a Belt.

"Brethren:

"I have already gone through the usual forms of Condolance with you for such Losses as you have met with by the English, and taken the Axe out of your Heads, and by this Belt I do now the same on behalf of the Governor and People of that Province, and in particular, burying the Axe under the Roots of the Tree, clearing your Sight and your hearing, and removing all Cause of uneasiness from your Heart, as well on Account of those lately Murdered, as of those unhappy People who were murdered there 5 years ago, concerning whom, I hope you will be no further uneasy, after what I have now to say to You, and what I have formerly said and done thereupon. And I now carefully gather together the Bones of all those who have been Murdered in that Province, and I bury them in a deep Pit, which I cover over with so much Care, that it shall not be found out, to offend your Eyes; and over all, I lay this Present, from that Province, to be divided amongst you, in memory of their Friendship for you, which is so warm and invigorating, that when you take up this Present, you will find the Grass and Herbage already large and Green over the Graves of your People, so that you will never more be able to discover them. This is what your Brothers of Pennsylvania have to say to you. I expect you will remember it, and regard them for it, and that putting away all Malice and evil Thoughts, you will forever hereafter live with them on terms of strict Friendship and Affection, and by your pacific Conduct, and readiness to do them equal Justice, entitle yourselves to a Continuance of their Regard, always remembering they are your Fathers, the great King's Subjects, and your Friends and well-wishers.

Gave A Belt.

"Brethren:

"I have heard and committed to Writing all that has passed during the present Congress, and I have said enough to convince any sensible People of the Purity of our Intentions, as you may all justly conclude, that a Nation, so great and Powerful as the English are, would take very different measures if they designed to deprive you of your Liberty. I have shewn you what His Majesty intends to do for your future Security, and I have likewise shewn you the steps taken by Pennsylvania for your Satisfaction and redress. Let all this make a deep Impression on your Minds, and wait the Issue of these Measures with a Confidence in our Justice.

A Belt.

"Brethren:

"Before we part I have only a few things more to say to you, First to put away all guile from your Hearts, and never to think of

any bad things which are past,but to expect the Good which is near at hand; and I exhort you as you love your own happiness, to harbour no farther resentment against his Majesty's Subjects in general, or any one Province in particular; for they are all Members of the same Body, and therefore, you should send agreeable News to all your People,acquainting them with the good work now concluded, and if after all any prove discontented or about to disturb the Public Tranquility, you should take them by the Head as you recommended us to do with ours. The next thing which I have to desire is, that you will make the Treaty of Peace you have entered into with the Cherokees as public as possible, as far as your influence extends; cautioning them Nations against doing any thing in violation of it, as they regard their own Peace, that, you will often repeat this to your Young Men and to your Children, and that some of you will accompany the Cherokee Deputies and make the road wide and safe for Travelling, and also, as a farther Testimonial of what you have agreed to, that you subscribe to the same on these Parchments, one of which, together with the Cherokees Belt and Eagles Tail, will remain here and the other be sent to Mr. Stewart in Carolina, to be seen by all Nations.

A Belt.

The Treaty being subscribed to, Sir William addressed the Six Nations, &c.

"Brethren:

"I hope all is finished between us for the present; there only remains for you to receive this Portion of his Majesty's Bounty to keep you warm as you travel in Cold Weather.

Shewed the Present on behalf of the Crown, and on the other side that of Pennsylvania, and proceeded:

"Here is also the Present on behalf of Pennsylvania to the Friends of those who are Dead, to remove their Grief and prove a Testimony of their Love for you all, which I expect will cover all that is past. You that are of the same Blood shall take it to wipe away their Tears that was Shed, and so let all be forgotten.

Delivered the Presents and told them he had finished the Business of the Meeting.

Thereupon, the Speaker for the Indians arose and said:

"Brother:

"We have heard all you said to us, which we shall take into our Consideration, and judge it necessary to give you an answer thereupon to-morrow. We at present express our thanks to the Great King, and to our Brothers of Pennsylvania for their Sense of our Wants by giving us such a Present at this Time to dry up our Tears."

Friday, 11th, P. M.

The Six Nations, Coghnawagey Confederacy, and the Cherokee Deputy's, Assembled in the Council room.

Thomas King, Speaker.

"Brother Gorah Warraghiyagey,

"You yesterday approved of the Peace we have now made with the Cherokees, and recommend it to us to keep it inviolably, as it would be for our and their Interest. You likewise told us, it would be agreeable to his Majesty to have Peace established, and continued throughout this Continent.

"Brother:

"You may depend upon it, that the Peace we have now made with the Cherokees is sincere, and we request that the great Spirit may direct and enable us to keep it inviolable, for we look upon them now as the same Flesh, Blood and Head, and hope we shall ever remain so; lastly, we are to assure you that what we have now done, being agreeable to you, affords us the greatest satisfaction."

A Belt.

After repeating what was said Yesterday, concerning the murders committed in Pensilvania, the Speaker said

"Brother Gorah Warraghiyagey,

"We heard with the utmost attention what you said to us yesterday, and we thank you for reminding us of our Old Customs, that whenever any of us were aggrieved we should not immediately take revenge, but endeavor first to obtain Justice from those who had been guilty of the Injury.

"Brother:

"We are disposed from what you have said, so to do, and we will put it from our Minds, but we tell you sincerely that we expect Justice and redress of our grievances when we are injured, and when we do not receive it, our Minds must get disturbed, and lead us to do Wild Things, which we have not yet done. The people who were killed to the Southward, and on Ohio, having fallen by the Hands of the Indians of Lake Huron; as you know these Indians confess this is the Truth, it comes from our Hearts.

Gave 3 Strings.

"Brother:

We thank you for having recommended to us, to send some of our People with the Cherokees, who go by Land to their Country, to open the road and protect them by the Way, on which Subject you shall hear more of minds directly from the Warriors.

Gave 3 Strings.

"Brother:

"We agree with you in making public to all Nations, the Treaty made with the Cherokees, and of our having joined in burying

the Axe, since the late murders in Pensylvania, and to this end, We deliver this your Belt over to the Coghnawageys, that they may communicate it to all their Friends and Allies, whilst We think it necessary that your Deputy at Fort Pitt should do it, in doing the like to the Southward.

Gave over the Belt to the Coghnawageys.

Then Thomas King stoop up, and said:

"Brother Gorah Warraghiyagey, And you, Brothers of the Six Nations, and Canada Confedaracy, hearken to what our Warriours have to say.

Whereupon Tagawara, a Chief Warrior of Oneida, stood up, and said:

"Brethren:

"We, the Warriors, think it necessary to remedy a mistake, or Omission, of which our Sachems were guilty, when We treated with the Cherokees. They then left their Axe sticking so that the handle of it would strike against the Bushes, as they travelled; We now take it quite out and bury it, as it ought to be, healing up the Wound, so as it shall not be seen on their Arrival in their own Country.

A Belt.

"Brothers:

"We have further considered that several of the Bones, both of the Cherokees and of our People, lye strewed along the Path leading to the South, which might, as the Road is now opened, turn the Heads of our People as they travelled along the Path; We now, therefore, collect the Bones of both People, and after the manner of our Ancestors, We inter them in a deep Pit, so that the Water shall carry them away for ever from our Sight.

A Belt.

"Brothers:

"Our Sachems, in Answer to your desire that some of us should accompany you home by Land, expressed their disapprobation thereat, least some Accidents might happen thro' means of bad People, who may now be abroad, and are ignorant of this Treaty. Tho' they meant this for the best, We differ from them, and have agreed that some of every Nation shall take them by the Hand; And least it might be at first dangerous to go thro' the Towns and War Paths, till the good News is spread, We will conduct those who go by Land by a Rout on the one side, where they may travel secure and arrive in Safety at their own Homes.

A Belt.

"Brothers:

"Our Chiefs did not inform you that there was a small Hatchet still out against your People. We tell you now of it, that you may not hereafter accuse us of Deceit; and should any Mischief be

done thereby, We desire you not to consider it as a Public Act, these Persons being ignorant as yet of this Treaty, and therefore, until they are informed of it, let not any Action of theirs be considered as a Breach of this Treaty, but let it be forgotten.

3 Strings.

Sir William then addressed them as follows:

"Brothers:

"I thank you for all the Unanimity you have shewn at this Congress, and for the desire you seem to express for Peace. I hope it will penetrate your Hearts, and that you will pay due Regard to what is past. I have only to add, that you should be in Readiness to meet me in about 2 months, to Ratify your agreement concerning the Boundary Line, which His Majesty, in his Wisdom, has agreed to for your future Security.

Then dissolved.

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Saturday 12th.

Seventy of the Indians of Susquehanna arrived, some of whom were closely Connected with those lately Murdered in Pensilvania. After a Conference, Sir William brought them into the Sentiments of the rest, and gave them a present as a Condolance for their Loss.

The foregoing is a true Extract from the Proceedings at the general Congress therein mentioned, Examined by me.

"G. JOHNSON, D. Agent, as Secretary."

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Saturday April the 16th, 1768.

The Governor received from The Reverend Mr. John Steel, John Allison and Christopher Lemes, Esquires, and Captain James Potter, a Letter dated the 2d Instant, containing an Account of their Proceedings at Redstone Creek, &c^{a} in pursuance of the Governor's Instructions of the 24th of February last, and also a Letter of the 11th Instant, from Mr. Steel, which are as follow, viz^{t}:

"Fort Cumberland, April 2d, 1768.

"May it please your Honour:

"Having in our Return reached Fort Cumberland, and being here to part, We concluded it necessary to prepare an Extract from our Journal of what appeared to us most important, which We Ordered to be transmitted to your Honour by Mr. Steel.

"We arrived at the Settlement on Red Stone, on the twenty-third Day of March. The People having heard of our coming had appointed a Meeting among themselves on the twenty-fourth, to consult what Measures they should take. We took the advan-

tage of this Meeting, Read the Act of Assembly, and Proclamation, explaining the Law, and giving the Reasons of it as well as we could, and used our Endeavours to persuade them to comply, alledging to them that it was the most probable Method to entitle them to favour with the Honourable Proprietaries when the Land was purchased. After Lamenting their distressed Condition, they told us the People were not fully collected, but as they expected all would attend on Sabbath following, and then they would give us an Answer. They, however, affirmed that the Indians were very Peaceable, and seemed sorry that they were to be removed, And said they apprehended the English intended to make War upon the Indians, as they were moving off their People from their Neighborhood.

"We laboured to persuade them that they were imposed on by a few straggling Indians, that Sir William Johnson, who had informed our Government, must be better acquainted with the mind of the Six Nations, and that they were displeased with the White People's settling on their unpurchased Lands. On Sabbath, the twenty-seventh day of March, a considerable Number attended, (their Names are Subjoined) and most of them told us they were resolved to move off, and would Petition your Honour for a Preference in obtaining their Improvements when a Purchase was made. While We were conversing we were informed that a number of Indians were come to Indian Peters; We judging it might be subservient to our main design, that the Indians should be present, while We were advising the People to obey the Law, sent for them; They came; and after Sermon delivered a Speech, with a String of Wampum to be transmitted to Your Honour. Their Speech was, "Ye are come, sent by your Great Men, to tell these People to go away from the Land, which Ye say is ours, And We are sent by our Great Men, and are glad We have met here this day. We tell you the White People must Stop, and We stop them 'till the Treaty, and when George Croghan, and our great Men will talk together, we will tell them what to do. The Names of the Indians are subjoined. The Indians were from the Mingo-Town, about Eighty Miles from Red Stone. After this the People were more confirmed that there was no danger of War. They drop't the design of Petitioning, and said they would wait the issue of the Treaty; Some, however, declared they would move off. We had sent a Messenger to Cheat River, and to Stewart's Crossings, of Yougheogenny, with Several Proclamations, requesting them to meet us at Guesse's place, as most Central for both Settlements. On the thirtieth of March about thirty or fourty Men met us there; We proceeded as at Red Stone, reading the Act of Assembly, and a Proclamation, and endeavoured to convince them of the Necessity and Reasonableness of quitting the unpurchased Land, but to no Purpose; They had heard what the Indians had said at Red Stone, and reasoned in the same manner, declaring they had no Apprehensions of a War; that they would at-

tend the Treaty, and take their Measures accordingly. Many severe Things were said of Mr. Croghan, and one Lawrence Harrison treated the Law, and our Government, with, too much disrespect. On the thirty-first of March, We came to the great Crossings of Yougheogenny, and being informed by one Speer, that eight or ten Families lived in a Place called Turkey-Foot, We sent some Proclamations thither by said Speer, as We did to a few Families nigh the Crossings of little Yough, Judging it unnecessary to go amongst them. It is our Opinion that some will move off in Obedience to the Law, that the greatest Part will wait the Treaty, and if they find that the Indians are indeed dissatisfied, We think the whole will be persuaded to Remove. The Indians coming to Red Stone, and delivering their Speech, greatly obstructed our design.

"We are, your Honour's most obedient,
"most humble Servants,
"JOHN STEEL,
"JOHN ALLISON,
"CHRISTOPHER LEMES,
"JAMES POTTER.

"To the Honourable JOHN PENN, Esquire, Lieutenant Governor, and Commander-in-Chief of the Province of Pennsylvania, &c^{a} in Philadelphia."

The Indians Names who came to Red Stone, Viz^{t}:

Captain Haven,
Captain Hornets,
Captain Mygog Wigo,
Captain Nogowach,
Captain Strikebelt,
Captain Pouch,
Captain Gilly,
Captain Slewbells.

The Names of the Inhabitants near Red Stone:

John Wiseman,
Henry Prisser,
William Linn,
William Colvin,
John Vervalson,
Abraham Tygard,
Thomas Brown,
Richard Rodgers,
John Delong,
Peter Young,
Geo. Martin,
Tho^{s} Down,
And^{w} Gudgeon,
Phil. Sute,
Jam^{s} Crawford,
John Peters,
Henry Swats,
Jos. McCleon,
Jesse Martin,
Adam Hatton,
John Verval, Jun^{r}
Jam^{s} Waller,
Tho^{s} Douter,
Cap^{t} Coburn,
Micheal Hooter,
And^{w} Linn,
Gabriel Conn,
John Martin,
Hans Cack,
Dan^{l} McCay,
Josias Crawford,
One —— Provence.

Names of some who met us at Guesses Place:

One —— Blonnfield,
James Lyne,
Eze Johnson,
Thos. Guesse,
Char. Lindsey,
Jams. Wallace,
Richard Harrison,
Phil. Sute,
Jet Johnson,
Henry Burkon,
Lawr. Harrison,
Ralph Hickenbottom,

Names of the People at Turkey-foot:

Henry Abrahams,
Eze. Dewit,
Jams. Spencer,
Benj. Jennings,
Jno. Cooper,
Eze. Hickman,
Jno. Enslow,
Henry Euslow,
Benj. Pursley,

A Letter to the Governor from the Reverend Mr. Steel.

"Carlisle, April 11th, 1768.

"May it please your Honour:

"Upon my return to Carlisle, the 8th instant, I had the Pleasure to see your Brother Allen, and Secretary Shippen, in their way to Fort Pitt. The Secretary requested a Copy of our Journal, believing it might be of some Use to them, with which they were immediately furnished, and further advised me to wait an Opportunity, rather than hire an Express, to Transmit to your Honour our Papers, which I am favoured with in the present Bearer. Sir, there is one thing which, in preparing the extract of our Journal, happened to be overlooked, viz^t: The People at Red Stone alledged that the removing of them from the unpurchased Lands, was a Contrivance of the Gentlemen and Merchants of Philadelphia, that they might take Rights for their improvements when a Purchase was made. In confirmation of this, they said that a Gentleman of the Name of Harris, and another called Wallace, with one Friggs, a Pilot, spent a considerable time last August, in viewing the Lands and Creeks thereabouts. We promised to acquaint your Honour with this.

"I am of Opinion, from the appearance the People made, and the best intelligence We could obtain, that there are but about an hundred and fifty Families in the different Settlements of Red Stone, Yougheogeny and Cheat River.

"Sir, our Expences have arisen to a monstrous height, occasioned by the inclemency of the Weather, the Scarcity and dearness of Forage, and the tediousness of our Journey. With this I send the Accompt, with our Vouchers. There are in my hands a few Blankets, &c^a, which I believe may bring three or four Pounds, which I have not had Time yet to sell.

"We declined calling to our assistance any other Gentlemen as your Instructions gave allowance, as we judged the Number your Honour had appointed sufficient. Whatever Success our Endeavours may have, I would be glad you would believe we did faithfully what we could.

I am your Honour's most Obedient and humble Servant,

JOHN STEEL.

To the Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca., in Philadelphia.

Tuesday, 3d of May, 1768.

MEMORANDUM.

Colonel Armstrong, John Miller, and William Lyons, Esquires, having been notified by the Secretary, pursuant to the Governor's Directions, to appear at the Council Board on this Day, His Honour desired them to give their attendance on Friday the 6th instant, as two Members were only present.

At a Council held at Philadelphia, on Friday the 6th of May, 1768.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c[a]

William Logan, Richard Penn, } Esquires.
Benjamin Chew, James Tilghman, }

Colonel Armstrong, John Miller, and William Lyons, Esquires, appeared at the Board, according to appointment, and were severally examined with respect to their own Conduct in the Detention of Frederick Stump in the Goal at Carlisle, as well as all that they knew in regard to his Rescue from the Hands of Justice. The Board then agreed to take this Matter into further Consideration, and appointed a Meeting of the Council on Thursday the 13th instant, in Order to come to a final Result on the Subject.

Messieurs Miller, Armstrong, and Lyons were therefore directed to attend the Board again on that Day.

The Governor then laid before the Board a Transcript of the Record of Conviction of David Smith at a Court of Oyer and Terminer and General Goal Delivery, holden at Philadelphia for the County of Philadelphia, on the 11th day of April last, before William Allen, John Lawrence, and Thomas Willing, Esquires, Justices of the Supream Court, and of the said Court of Oyer and Terminer for the Province of Pennsylvania, by which Record it appears that the said David Smith was legally tried and convicted

of Felony and Burglary, committed in the Dwelling House of William Kemble, in this City, on the 10th of November last, and had received Sentence of Death for the same; But the said Justices having recommended him to the Governor as an Object of Mercy, His Honour, by the Advice of the Board, was pleased to issue a Pardon for the said Criminal.

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Monday the 9th of May, 1768.

A Committee of Assembly waited on the Governor, and acquainted him that a Quorum was met pursuant to Adjournment, and requested to know if he had any Business to lay before them, to which His Honour answered that he had none at present to recommend to them.

At a Council held at the Council Chamber, at the State House, on Tuesday the 10th Day of May, 1768.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

William Logan, Richard Penn, } Esquires,
Benjamin Chew, James Tilghman, }

and a Number of the reputable Inhabitants of the City.

Colonel Armstrong, Mr. Miller, and Mr. Lyons, attended according to appointment. The former delivered to the Governor a Narrative of the Case relating to the Detention of Frederick Stump, and John Ironcutter at Carlisle, which was publickly read, as were also the several Depositions, and other Papers respecting that Transaction. Messieurs Miller and Lyons were then publickly examined, after which the Governor adjourned the Council to the 13th Instant, in order to take the matter into further Consideration.

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Wednesday the 11th of May.

A Committee of the Assembly waited on the Governor, and acquainted him that the House were inclined to adjourn to the 12th of September next, to which His Honour replied, that he had no objection thereto.

At a Council held at Philadelphia on Thursday, the 12th of May, 1768.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c.,

Willam Logan,
James Tilghman, } Esquires.

Mr. Armstrong, Mr. Miller, and Mr. Lyons, appearing at the Board, agreeable to the Governor's appointment, The Governor dismissed them with the following Admonition, which was read to them, viz:

Colonel Armstrong, Mr. Miller, and Mr. Lyons,

Upon the Rescue of Frederick Stump and John Ironcutter, who had been arrested for the Murder of Ten Indians, I was informed that you, as Magistrates of Cumberland County, had interposed to prevent their being brought to Philadelphia in Obedience to the Chief Justice's Warrant, in the Hands of the Sheriff, and that in particular, Colonel Armstrong had himself discharged the Sheriff's Guard, after he, (the Sheriff) had refused to do it, and committed the Prisoners to the County Goal, which was in a great Measure the Occasion of the Rescue, as it gave the Persons who committed that bold and daring Insult upon the Laws of the Government, Time to consult Measures for the Execution of it. The Matter was of such Consequence, and the Reputation of the Government so much concerned in it, that I could not pass it by without making an enquiry into it, and upon hearing you and the Sheriff, and considering the several Proofs which both You and He have laid before me, I find that on Monday the 25th of January last, the Sheriff was ready to set off with the Prisoners from Carlisle, under a Guard of eight or ten Men, in order to bring them to Philadelphia as the Warrant required. That the People of Carlisle, thinking the Rights and Priviledges of their County would be infringed by the Prisoners being brought to Philadelphia, grew uneasy under these Apprehensions, and did apply to you, and press you to interpose in the Affair, untill they could have an Opportunity of Remonstrating upon the Occasion, which was at first warmly opposed by Colonel Armstrong; but, that at length, partly to quiet the Minds of the People, and partly from an Apprehension of Danger of a Rescue in Case the Sheriff, with the Prisoners, should be detained on the Banks of the Susquehanna, which was then Hourly expected to break up, You were induced to cause the Prisoners to be examined, and, upon their Examination, They were committed by Colonel Armstrong and Mr. Miller to Carlise Goal; in order that the Government, informed by Express, which was determined to be sent on that Occasion, should give further Orders respecting them.

"Tho' the Transaction has not been proved in the aggravated Light in which it was represented to me, yet it was undoubtedly officious, and besides your Duty to interpose at all in the affair, as it was unjustifiable in the Sheriff to pay any Regard to your Interposition and your Conduct upon the Occasion, was in itself an Obstruction of Justice, and is not to be justified, however it may in some Measure be excused by the Motives of it. But, as I am satisfied from the Evidence, that both you and the Sheriff were far from having any intention either to favour the Prisoners, or to offer the least Contempt to the Authority of the Chief Justice's Warrant, and that you acted for the best, in a Case of Perplexity, not expecting, but rather intending to prevent the Consequences which followed, I shall take no other Notice of the Matter than to admonish you for the future to be very careful, in confining yourselves within the Bounds of your Jurisdiction, and not to interfere again in Matters which belong to a Superiour Authority.

At a Council held at Philadelphia, on Monday the 13th of June, 1768.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c[a].

Benjamin Chew, James Tilghman, } Esquires.

The Governor laid before the Board the Records of Conviction of three Persons for Burglary, which being read, it appears by one of the said Records, that at a Court of Oyer and Terminer and General Goal delivery, held at Lancaster, for the County of Lancaster, the 23d day of March last, before William Allen, John Lawrence, and Thomas Willing, Esquires, Justices of the Supreme Court of the Province of Pennsylvania, and of the said Court of Oyer and Terminer, William Dobbins and Thomas Hammond were tried and convicted of Felony and Burglary, committed in the Dwelling House of Wendal Horning, in the Township of Warwick, and County aforesaid, on the Sixth day of September last, and have received Sentence of Death for the same.

And by the other of the said Records, it appears that at a Court of Oyer and Terminer and general Goal Delivery, held at Carlisle, for the County of Cumberland, the 17th of May last, before the said Justices, Giles Bower, otherwise called Giles Powell, was tried and Convicted of Felony and Burglary committed in the Dwelling House of Ludwick Stull, in Antrim township, and County aforesaid, on the Second day of August, 1766, and had received Sentence of Death for the same.

The said Records being taken into Consideration, and no Circumstances appearing in favour of the said Criminals, excepting Giles Bowers, alias Powell, who was recommended to the Governor by the said Judges as an Object of His Mercy, The Governor, with the advice of the Board, issued a Warrant for the Execution of William Dobbins and Thomas Hannon, on Saturday, the Ninth Day of July next, and granted a Pardon to the said Giles Bowers, alias Powell.

Mr. Charles Batho, late of this City, Merchant, having removed into ——— Township, in the County of Philadelphia, and being thought by the Board a proper Person to be in the Magistracy, The Governor issued a Commission appointing him a Justice of the Peace and of the County Court of Common Pleas for the said City and County.

Francis Campble, Esquire, of Shippensburgh, in Cumberland County, having by Letter requested the Governor to accept of his Resignation of the Offices of Justice of the Peace and County Court of Common Pleas for the said County, His Honour was pleased to accept the same accordingly, and directed the Secretary to acquaint him therewith.

At a Council held at Philadelphia, on Friday the 24th June, 1768.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

William Logan, Richard Peters, Benjamin Chew, James Tilghman, } Esquires.

John Allen, and Joseph Shippen, Esquires, laid before the Board the Minutes of the Proceedings and Conferences with the Ohio and other Western Indians, at the late Treaty held at Fort Pitt, which they attended as Commissioners from this Government; the same were Read, and being ordered to be entered on these Minutes, are as follows, viz^t:

"*Minutes of Conferences held at Fort Pitt, in April and May*, 1768, *under the Direction of George Croghan, Esquire, Deputy Agent for Indian Affairs, with the Chiefs and Warriors of the Ohio, and other Western Indians.*

"At a Conference held at Fort Pitt, on Tuesday, the 26th Day of April, 1768, with the Chiefs and Principal Warriors of the Six Nations, Delawares, Shawanese, Munsies, and Mohickons, residing on the Waters of the Ohio.

"PRESENT:

George Croghan, Esquire, Deputy Agent for Indian Affairs.

John Allen, Joseph Shippen, Junr. } Esquires, Commissioners from the Province of Pennsylvania.

Alexander M'Kee, Esquire, Commissary of Indian Affairs.

Colonel John Reed, Commandant.

Captain Charles Edmonston.

Captain ——— Pownall.

Lieutenants.	*Ensigns.*
Thomas Ford,	Thomas Hutchins,
Alexander Maclellan,	Robert Hamilton,
Jesse Wright,	James Savage,
Samuel Steel,	Godfrey Tracy.
William Wood,	
Thomas Batt.	

Mr. Henry Montour, Interpreter.

INDIANS.

Six Nations.

Keyashuta, White Mingo, Soneno, Allyondongo, Onanghkong, Gettyqueaye, Onondagago, Caddedonago, Saggoyadentha, Thonissagaraws, Oyanay, Toeaughquottet. } Chiefs.

Toeageda, Toedassaho, Kennissoen, Thagonneyesus, Dawatdehough, Awanneynatha. } Chief Warriors.

With 293 Warriors, besides Women and Children.

Delawares.

Nettawatways, or New Comer, Custelloga, Beaver, Latort, Spawgassa, Nessicuthcthem, Cascatheon, Kekiwenum, Washawanon, Mahetoaughkong, Loyalaughaland, Tugasso. Captain Jacobs, } Chiefs.

Wingannum, Captain Pipe, Captain Jonny, Quequedegatha, or Grey Eyes, White Wolf, Theckhoton, Opemalughim, Killaykhehon, Wiesahoxon, } Chief Warriors.

With 311 Warriors, besides Women and Children.

Shawanese.

Kaysinnaughtha, or the hard Man,
Etawakissaho,
Maughkatethwa,
Maykypuckathey,
Maughkateymowaywa,
Nymwha,
Bennoxcumma,
Naynichtha,
Wassaynamettha,
Wethawathecka.
} Chiefs. With 196 Warriors, besides Women and Children.

Thethawgay,
Waughcomme,
Othawaytha,
Mawaydia,
Munnena.
} Chief Warriors.

Munsies.

Auttemaway,
Kendasseong,
Wassawayhim,
Quekquahim,
Waughhellapo.
} Chiefs.

Mohickons.

Wennighjalis,
Kelleigheon,
} Chiefs.
With 90 Warriors, besides Women and Children.

Seven Wyandotts sent to attend the Conference.

Kawcomme,
Shilleywathetha,
Quighbya,
} With 141 Warriors, besides Women and Children.

In the whole 1103 Indians, besides Women and Children.

The Indians having taken their Seats in Order, Mr. Croghan opened the Conferences as follows, viz^{t}:

"Brethren of the Six Nations, Delawares, Shawanese, Munsies, and Mohickons:

"I am glad to see so many of your different Nations assembled at this Council Fire, and with this String of Wampum I clear your Eyes, and wipe away your Tears, that you may see and look on your Brethren, the English, with Pleasure.

A String.

"Brethren:

"With this String I clean the Sweat off your Bodies, and remove all evil Thoughts from your Minds, and clean the Passage of your Hearts, that every thing which may be said to you, from your Brethren, the English, may rest easy there.

A String.

"Brethren:

"With this String I clear your Eyes, that you may hear and consider well what is going to be said to you, at this general Meeting of your several Tribes.

A String.

"Brethren:

"I take this Opportunity of our Meeting in Council to introduce to you the Commissioners of Pennsylvania, appointed by your

Brother Onas, and the Wise Men of that Government, and desire you will give particular Attention to the several Messages those Gentlemen are charged with, to deliver to your several Nations."

A Belt.

After the above Speeches were explained to the different Nations, Mr. McKee delivered to them the Message which Governor Penn sent to his Care in February last, having had no opportunity till now, of meeting with the Chiefs of the several Tribes together, tho' he had despatched Messengers to inform them of his having such a message to communicate to them.

The Message follows in these Words, viz^{t}:

"*By the Honourable JOHN PENN, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, and Sussex, on Delaware, &c^{a}, &c^{a}.*

A Message to the Chiefs and Warriors of the Six Nations, Delawares, and Shawanese, at Ohio.

"Brethren:

"I am sorry to acquaint You that one Frederick Stump and John Ironcutter, some time ago, having sold some Rum to a few Indians of your Nations, they all got Drunk at Stump's House on Middle Creek, and in their Liquor, threatened to kill him and his Family as he says, on which those two wicked Men Murdered several of your People.

"Brethren:

"You must be sensible that there are bad and foolish Men of all Nations, whom at Times, the Evil Spirit gets the better of, and tempts to Murder their most intimate Friends, and even Relations, in order to disturb the Peace and Tranquility of their Neighbors These Accidents often happen amongst yourselves as well as among us, but the imprudent Act of a few foolish People should not disturb the Peace of the many Wise and Innocent amongst Us.

"The great Giver of Life has given us a good Heart, and Tongues to speak the sentiments of our Hearts to each other, And when any Misfortune happens of this Kind to either of us, We should consider well the Consequences, and meet under the Tree of Peace, and smoak together as our fore Fathers formerly did, and endeavour to adjust and settle any Disputes that might formerly happen, that so no black Clouds might arise over our Heads to prevent us from seeing the Sun rise, and set over us in the strictest Friendship.

"This is the Method I propose to take on this unlucky Occasion, and recommend to you my Brethren, and desire you may rest easy and satisfied till you hear from me again. The strictest Justice shall be done you, and I make no doubt but you will be satisfied with my Conduct.

"On first hearing of this unfortunate Affair, I issued a Proclamation, and had those two Men apprehended and put in Prison, and make no Doubt to bring them to that Punishment so heinous a Crime deserves by the Laws of their Country.

"I have wrote to Sir William Johnson, and informed him of this Accident, and when my Express returns, you may expect to hear from me and him farther on this Subject, and more to Your Satisfaction, as You will be convinced of the Justice and upright Intentions of all his Majesty's Subjects towards your several Nations.

A Belt.

{ Lesser Seal } "Given under my Hand and the Lesser Seal of the said Province, at Philadelphia, the twenty-second day of February, in the Year of our Lord 1768.

"JOHN PENN.

"By his Honour's Command.

"JOSEPH SHIPPEN, Junior, Secretary."

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Wednesday the 27th of April.

Mr. Croghan, and the Commissioners of Pennsylvania, had a meeting with the Chiefs of the several Tribes, and explained to them the Heads of the several Speeches to be delivered to them from the Governor of Pennsylvania.

After the above Chiefs had considered what had been told them, the Delawares and Shawanese, on a Belt and String of Wampum, expressed their Satisfaction at seeing Commissioners from Pennsylvania at their Council Fire, and returned Mr. Croghan Thanks for introducing them to their several Nations, Assuring him they would pay due attention to what those Gentlemen should say to them from their Brother Onas, and their Brethren of that Province.

A Belt and String.

At a Conference held with the Indians at Fort Pitt, on Friday the 2d Day of April, 1768.

Present, the same as before.

Mr. Croghan addressed himself to all the different Tribes, and spoke as follows, Viz':

"Brethren:

"The other Day I introduced you to the Commissioners from Pennsylvania, and informed you they had several Messages to you from the Governor and good People of that Province. They are now going to speak to you, and I desire you will pay due attention to what they shall say.

The Commissioners then, in the name of the Governor of Pennsylvania, delivered the following Messages to the Indians:

"*The Honourable JOHN PENN, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of New Castle, Kent, and Sussex, on Delaware.*

"*To the several Tribes of Indians living on and beyond the Ohio, Viz.: Six Nations, Shawanese and Delawares, &c.*

"Brethren:

"It is not long since I sent a Message to you to be delivered by Mr. Alexander McKee.

"You will see that that Message was sent on purpose to acquaint you, that two of our bad inhabitants had murdered some of our Indian Brethren at Middle Creek, near Susquehanna, and that I was taking all the Pains in my Power to have the murderers apprehended and brought to the Punishment they justly deserve.

"Ever since I sent that message to you, my Heart has been so deeply afflicted with Sorrow for the Loss you have sustained by that barbarous Act, that I could not rest or sleep quiet in my Bed, as I well knew it was a very great Breach of the solemn Engagements we had entered into, of preserving the strictest Friendship between us, in not suffering the least Link in the Chain to be broken, or any ways hurt.

"I have longed much to come myself to the Ohio, to take you by the Hand, and sit down and condole with you on so melancholy an occasion, in the Losses you have sustained in the Death of some of our good Brethren, the Indians; but I must let you know, that the great Affairs I have to manage in the Government, necessarily detain me at this Time in Philadelphia. I have therefore appointed my good Brother John Allen, Esquire, and the Provincial Secretary, Joseph Shippen, Esquire, Commissioners to meet you on this occasion, and to Speak and Condole with you in my stead. They will deliver this Message to you in my Name, and whatever they shall say to you, you may hear and believe, in the same manner as if I was present among you, and spoke to you myself; for, you may depend on it, they will say nothing to you but the real Truth, and what are the sincere Sentiments of my Heart.

A String.

"Brethren:

"I told you also in that Message, that I had communicated this melancholy news to Sir William Johnson, and promised you, that as soonas I received his Answer, you should hear from me again; and I hoped, in such a manner as I hoped would be to your satisfaction.

"Brethren:

"I am now to inform you that I have since received Sir William Johnso's Answer, and am pleased to hear that he has laid this

matter before a large number of Indians, as well of the Six Nations as of several other Northern Tribes of Indians with whom he has lately held friendly Conferences at his House; and Mr. Croghan will relate to you whatever was done at that Treaty.

A String.

"Brethren:

"The unhappy accidents which have happened to some of your People in my Government have given me great Concern, as I have already told you; I with this string of Wampum gather up the Bones of all our dead Friends, and bury them in the Earth, that they may be no more seen.

A String.

"Brethren:

"As I have buried the Bones of all our deceased Friends, I condole with you for the Loss you have sustained in them, and cover their Graves with these few Goods.

Delivered the Condolance Presents.

"Brethren:

"With this Belt of Wampum I clean the Blood off the Leaves and Earth whereon it was sprinkled, that the sweet Herbs which come through the Earth may have their usual Verdure, and that we may all forget the unhappy Accidents that have happened.

A large White Belt.

"Brethren:

"Hearken now to what I have to say further to you in behalf of myself and all the good People of this Province.

"I am informed that some wicked and ill-disposed People have told you many Lies; endeavored to make you believe that the good People of my Province are not well affected towards you, but intend you some mischief, and are not desirous of preserving the Chain of Friendship bright and entire between us. You may depend on it that all such Representations are false, and without the least foundation, and are made with no other View than to make a Breach between us, and the Authors must be looked on as our greatest Enemies. To assure you that I am desirous and sincere in my Intentions to live always in the strictest Harmony with you, and to remove every uneasiness that may be lodged in your Breasts, I have impowered and instructed my Commissioners to confer with you on any matters which immediately relate to my Government, and to hear what you have to say to me with regard to all such things as may contribute to preserve the Peace and strengthen that Band of Friendship in which you are united with the good People of this Province; and I make no doubt but you have the same good Dispositions that I have to promote that End, and that all

Things will be freely communicated to one another in these Conferences; I desire, therefore, that you will fully inform my Commissioners of everything that gives you the least uneasiness, that I may know it and endeavour to remove all Cause of Discontent among you.

A Belt.

"Brethren:

"I have told you every thing I had to say to you relative to the unhappy Murder committed by two of our wicked People on some of your Brethren, and as I am and have been doing every Thing in my Power to bring those Offenders to Justice, I cannot help reminding you of the Number of People I have lost in the Indian Country by some of your foolish young Men; And as I am determined that the strictest Justice shall be done you, I must let you know that I expect the same Justice from you for the Loss of His Majesty's Subjects entrusted to my Care. This is agreeable to the Treaties of Friendship long subsisting between your several Nations and Us, and if we both unite in attending strictly to those Treaties, we shall be able to preserve the Chain of Friendship bright and without Rust.

"It was likewise agreed at those Treaties, that whenever any Accident should happen, that might give the least Uneasiness, or in any Manner endanger the Friendship subsisting between us, We should immediately inform each other of it. Now, you see that I have not forgot those antient Treaties, for as soon as I had Knowledge of those unlucky Accidents which have happened in my Province, I immediately sent you Notice of them by a Speech and Belt, to be delivered to you by Mr. McKee; and I now send my two Commissioners to Condole with you on that Melancholy Occasion.

"I must now inform you of such English Subjects belonging to my Province as have been Murdered in the Indian Country, and have come to my Knowledge, viz^{t}: Henry O'Brian, Peter Brown, and eight other Men, in proceeding down the Ohio last August, with two large Batteaus, loaded with Goods, were murdered by the Indians, and part of the Goods taken away, near the Falls of that River. Thomas Mitchell a Trader, was likewise Murdered in one of the Shawanese Villages last Fall. John M^{c}Donald was also Murdered near Fort Pitt in December last, by a Delaware Indian.

A Belt.

"Brethren:

"With this Belt I renew, brighten and make strong the Chain of Friendship that Subsists between us, I have still fast hold of one End of it, and desire you will also keep fast hold of the other End, and let us both for ever hold it fast, that We may hereafter continue as one Man, and act together in all Matters relating to our

mutual Welfare as Brothers, who have the same Interests and Concern for each others Peace and Happiness.

A Belt, representing a Chain held by a hand at each end, of 11 Rows.

"JOHN PENN.

"Dated at Fort Pitt, the 29th day of April, 1768.

"By his Commissioners,

"JOHN ALLEN, [L. S.]

"JOSEPH SHIPPEN, Junr. [L. S.]

The Commissioners having delivered the Governor's Messages in Council, Mr. Croghan addressed the Indians as follows:

"Brethren:

"You have now heard what the Governor of Pennsylvania hath said to you by his Commissioners, and you see that he and the Wise Men of that Province have not forgot the former Friendship that subsisted between your Fore-fathers and theirs; They have now condoled with you for your lost Friends, agreeable to your antient Custom, and spoke their Minds freely on every subject that has caused their Meeting you at this time, and have called on you to do the same on your Parts. They have brightened the Chain of Friendship, and have done every thing in their Power to preserve that Friendship which was made between your Fore-fathers and the first Settlers of that Province, who came over with your Brother Onas.

"Brethren:

"I now desire you will assemble all the wise Men of your several Tribes together, and call to mind your former Treaties with the good People of Pennsylvania, and consider what has been said to you, and speak your minds freely and openly to the Governor's Commissioners, that every thing which gives you Uneasiness or Discontent, may be fully known to your Brother Onas, as he has desired."

A Belt.

After the above Speeches were interpreted to the different Nations, one of the Chiefs spoke, and said they would take them into Consideration, and let us know when they should be ready to answer them.

Then a Deputy, sent from the Six Nation Country, got up and delivered the following Message to the several Nations present.

"Brethren:

"I am sent from the Six Nation Council with this Speech, to inform you, that they have considered well the past Conduct of their Warriors, in going through this Country to and from War, who have made a practice of Stealing Horses, and behaving otherwise very ill to their Brethren, the English, and have forbid their doing any mischief for the future; and do now desire you, the Shawanese,

Delawares, and Wyandotts, to do the same, and to throw all evil Thoughts out of your minds and Hearts; and to think of nothing but promoting a lasting Friendship with your Brethren, the English, as we, your elder Brothers, the Six Nations, have determined to do."

A Belt.

After the Six Nation Deputy had finished the foregoing Speech, and it was interpreted to the Indians, Mr. Croghan informed them of the Congress Sir William Johnson lately held with the Six Nations, Canada Indians, and other Northern Tribes, of the Business transacted with them, and the Peace settled between those several Nations and the Cherokees; and that the Deputies of the latter, with a Number of the Six Nations, were to return home by the way of Fort Pitt, and recommended it to the different Tribes present to behave in a friendly manner to them, and see that they passed safe through their Country, on which Mr. Croghan gave them

A Belt.

—

At a Conference held with the Indians, at Fort Pitt, on Sunday the 1st day of May, 1768.

PRESENT:

The same as before.

Quequedagaytho, Speaker for the Delawares, rose up, and made the following Answer to the Message from the Governor of Pennsylvania:

"Brother:

"We return you thanks for your kindness in sending Commissioners to Condole with us, on Account of the unhappy Accidents which have happened between us; as also, for the Friendly Messages they have delivered to us in your Name, and you may be assured We shall pay due Regard to every thing you have therein said to Us.

He then requested the several Nations present to attend to what he was about to say further to their Brother, the Governor of Pennsylvania, and then proceeded:

"Brother:

"The Grief and Concern which you have expressed to us on the late Mischiefs committed on our People, we believe to be very sincere, and that they were caused by the evil Spirit. You have also mentioned, in a particular Manner, several Losses which you have Sustained in the Indian Country; We are heartily sorry for them, but must acquaint you that, as to the Murder of the Ten Men in the Batteaus, down this River, we have heard of it as well as you, but it was committed by other Nations and not by any of

the Tribes here present, so that we have not had the least Concern in this unhappy Affair. It is too true that one of your People was killed by the Shawanese, and we are also very sorry for that Accident. As to the Man who you say was killed near Fort Pitt, by a Delaware Indian, we tell you that the Person who committed that Fact was half a White Man and half an Indian, so you see, Brother, that you are equally concerned with us in that Breach of Friendship; but I hope, Brother, all these Misfortunes are now buried in Oblivion, and that our Children may never think of them more, and that we may continue in the strictest Friendship.

A Belt.

"Brother:

"I shall, in the next Place, speak to you concerning the Friendship that subsists between us; I hope we shall always be firm in it, and we shall endeavour, on our Parts, to keep the Chain as bright and Strong as our Forefathers did at their first Councils, which were held by Wise Men."

A String.

He then repeated the same Ceremonies that We had used in the Burying the Bones, and said:

"Brother:

"I now gather all the Bones of your deceased Friends, and bury them in the Ground in the Same Place with ours, so deep that none of our young People may ever know that any Misfortunes have happened between us; and it gives us great Satisfaction that our Brother Onas has not forgot this antient Custom of Condoling with us for our Losses.

A Belt.

"Brother:

"By this Belt I wipe away the Blood, as you have done, from the Earth, and make your Bodies quite clean, that you may appear to have as good Hearts as our Wise Fore-fathers, and We hope what passes in this Council will never be forgotten."

After repeating what had been said to them concerning the Chain of Friendship, he concluded:

"Brethren:

"We are much obliged to the Governor for speaking so freely & openly to us from his Heart, and as he has recommended to us to take fast hold of the Chain of Friendship, we assure him we shall take his Advice and will do it; and that we shall, likewise, speak to him from our Hearts, for we look upon this as the only way to preserve our Friendship, and we shall take Care to guide and direct our Young People to behave as they ought to do in promoting the Peace and cultivating the Strictest Harmony between us."

A Belt.

The Beaver, a Chief of the Delawares, then rising up, desired all present to pay attention to what he should say to his Brother, the Governor of Pennsylvania.

"Brother:

"We, the old Men of the different Nations present, are much rejoiced that the Chain of Friendship is now brightened by our Brother the Governor of Pennsylvania, and we return him thanks for putting it into our hands, in the kind manner he has done, which convinces us of his good Intentions.

"We, the Delawares, Shawanese, Munsies, Mohickons, Wyandotts, and our Uncles the Six Nations, will keep fast hold of the Chain of Friendship, in the Manner you desire us. We now desire the Governor will also take hold of the end of this Belt, which we stretch along the Road between him and us, in order to clear it of the Briars and Brush that have grown up in it, that we may travel it in Peace and Safety.

"Brother:

"We make the Road smooth and pleasant for your Commissioners to Travel home, and make a Report to you, at our antient Council Fire in Philadelphia, of what they now hear from us. And when you consider our speeches, you will find that our Hearts are good, and that we are determined to preserve the Road of Peace free from any interruption on our parts. We desire you will take the same care on your Parts, for if any Logs should be laid across it by any of your People, it will be undoing every thing that is now agreed on between our several Nations and you, at this meeting."

A Belt.

Then Queguedagaytho rose, and said that they had spoken every thing they had to say at this Time, to their Brother Onas; and, addressing himself to Mr. Croghan, spoke as follows:

"Brother:

"We have long been acquainted with you, and are well pleased with your Behaviour towards us, and at this Time, are the more obliged to you for introducing to us the Commissioners from the Government of Pennsylvania, as it has given us a good opportunity of renewing our Peace with the good People of that Province, with whom our Fore-fathers always lived in the most perfect Friendship. You spoke to us the other Day and recommended to us to take into our most serious consideration the several matters we have heard from the Governor of Pennsylvania by his Commissioners, and to weigh them well in our Minds before we give our Answers to them.

"Brother:

"We have taken your Advice, and you may be convinced of this by what we have just now said in behalf of the Delawares, Munsies, and Mohickons."

A Belt.

The Speaker of the Delawares then observed that they had finished what they had to say at this Time.

Then a Chief of the Six Nations rose up, and addressing himself to the Commissioners of Pennsylvania, said:

'Brethren:

"We have heard with attention what the Delawares have now said to you, and we shall speak to you to-Morrow, and so will our younger Brothers, the Shawanese.

—

At a Conference held with the Indians at Fort Pitt, on Monday the 2nd Day of May, 1768.

Present the same as before.

Tohonissahgarawa, a Chief of the Six Nations, got up, and addressing himself to the Several Nations present, said:

"Brethren:

"The great giver of Life has brought us all together at this Council Fire, in order to promote the good work of Peace, and we have heard what our Brother Onas hath said to us by his Commissioners, and you will now hearken attentively to what the Six Nations are about to say to him in Answer to his Messages.

A String.

Then addressing himself to the Commissioners of Pennsylvania, he said:

"Brethren:

"You have already heard what our Nephews, the Delawares, have said to you; they have spoken freely and openly to you from their Hearts, and we hope it has made a proper Impression on you. We are now, in like manner, going to open our Hearts to you freely; and We also hope that what We shall deliver will be received by you in a friendly manner.

A String.

"Brother Onas:

"In your several Speeches you have desired us to open our Minds freely, and to speak before you every thing that gives us uneasiness; we are obliged to you for this advice, which we shall follow, and are glad of an opportunity to speak to you in Council.

"Brother:

"It is not without Grief that we see our Country settled by you without our Knowledge or Consent; and it is a long Time since we first complained to you of this Grievance, which we find has not as yet been redressed, but Settlements are still extending further into our Country. Some of them are made directly on our War Path, leading to our Enemies' Country, and we do not like it.

"Brother:

"You have Laws amongst you to govern your People by, and it will be the Strongest Proof of the Sincerity of your Friendship to let us see that you remove the People from our Lands; as we look upon it, it will be Time enough for you to settle them when you have purchased them and the Country becomes yours.

A Belt.

"Brother:

"We have heard with Pleasure what you have said to us; you have made our Hearts easy with respect to the Losses we have suffered by you, and therefore we shall not take notice of any past Mistortunes. We are glad to find our Nephews, the Delawares, have taken fast hold of the Chain of Friendship with you, and by this Belt we join our hands with you and them in holding it fast. We speak now in behalf of the six Nations residing in this Country, as there are some of every Tribe present, and we wish, Brother, that you may be Strong, and as well disposed to preserve that Friendship as we are.

A Belt.

"Brother:

"I have now done speaking, and have told you every thing that Remains in our Hearts which gives us, and the several Nations in this Country, any uneasiness."

—

At a Conference held with the Indians at Fort Pitt, on Tuesday the third of May, 1768.

PRESENT:

The same as before.

Nymwha, a Speaker for the Shawanese, addressing himself to all the Indians, desired they would attend to what he was going to say to the Commissioners of Pennsylvania, and all his Brethren, the English, present, and spoke as follows:

"Brethren:

"When you talked of Peace to us at the time We were struggling in War, We did not hearken to you at first. You mentioned it to us a second time. We still refused to attend to you, but after repeating it to us several times, we consented to hear you We then looked at you, and saw you holding Instruments of War in your Hands, which we took from you and cast them into the Air out of our Sight. We afterwards desired you to destroy your Forts, as that would be the Way to make all Nations of Indians believe you were sincere in your Friendship, and we now repeat the same request to you again. We also desire you not to go down this River, in the way of the Warriors, belonging to the foolish Nations, to the Westward; and told you that the Waters of this River, a

great way below this Place, were coloured with Blood; you did not pay any regard to this, but asked us to accompany you down, which we did, and felt the smart of our Rashness, and with difficulty returned to our Friends. We see you now about making Batteaus, and we make no doubt you intend going down the River again, which we now tell you is disagreeable to all Nations of Indians; and now again desire you to sit still at this Place.

"They are also uneasy to see that you think yourselves Masters of this Country, because you have taken it from the French, who you know had no Right to it, as it is the Property of us Indians.—We often hear that you intend to fight with the French again; if you do, we desire you will remove your Quarrel out of this Country, and carry it over the great Waters, where you used to fight, and where we shall neither see or know any thing of it. All We desire is to enjoy a quiet Peace with you both, and that we should be strong in talking of Peace.

"We have now spoken to you from our Hearts, and hope We shall be strong in promoting a lasting Friendship. All We have to say to you now is to be strong, and let us agree to what We desire of each other. When you first talked of Peace to us you desired us to sit over the River, quietly at our Fires; but our Women and Children were frightened away by the Noise you made in repairing your Fort, but, if you do as we desired you, they will return without Fear.

A Belt.

"Brethren:

"You have heard what we desired in our last Speech, and we hope you will comply with our Request, and not attempt to go down this River again, as the Nations who live that way are surprized to see you make a Practice of this at the same time that you were making professions of Friendship to us. We, therefore, desire you will put a Stop to your People going down this River till We have spoke to the Nations living in that Country, which we intend to do with the assistance of our Brothers, the Six Nations, and our Grand Fathers, the Delawares.

A String.

"Brethren:

"The Reason of our mentioning this Matter at this Time, is because we hope you will take pity on us, and do as we have desired you."

Then Kissonauchtha, a Chief of the Shawanese, rose up, and said:

"Brethren:

"We are glad to see you here, and that you are sent by the Governor of Pennsylvania to confer with us at this Council. It much rejoiced our Hearts to take you by the Hand on your Arrival,

and We assure you that the several Nations now present are equally rejoiced with us on this Account.

A String.

"Brethren:

"You have informed us that you are sent by the Governor and wise Men of Pennsylvania, to hear whatever may pass at this Council; We are glad to hear you say you had made the Road clear and smooth as you came along, and that you have brought to us the Chain of Friendship in your Hands, from our Brethren, the wise Men of Pennsylvania. This has dispersed the dark Clouds of Night which hung over our Heads on account of many late Misfortunes which have happened, and brought to us the light of the clear Day. You have, no Doubt, heard of many bad Reports of Mischief, which have made an ill impression on your Minds against us; we now remove them quite away, and make your Hearts easy like those of your wise Forefathers. We also clear the Road on our Parts, that when you set off you may travel it back with Pleasure to your Council House at Philadelphia, which I Likewise sweep clean, that your wise men, when you return, may sit down in it with satisfaction and Comfort, and look back upon us, their Brethren, remembering that we have not forgot our antient Friendship.

"Brethren:

"We have now, on all sides, cleared and made smooth the Road between you and us, and we desire you on your parts to be strong, and not suffer any of your Soldiers to Travel it, who carry sharp edged Weapons with them, as that may injure the Friendship subsisting between us."

A Belt.

Mr. Croghan then acquainted the Indians that the Commissioners of Pennsylvania and he would take the above Speeches into consideration, and Answer them to-Morrow.

N. B.—This Afternoon fourteen Canoes arrived here containing thirty-eight Munsies and Mohickons, exclusive of Women and Children, who reside on the Heads of the West Branch of Susquehanna.

At a Conference held with the Indians at Fort Pitt, on Wednesday the fourth of May, 1768, P. M.

PRESENT: the same as before.

Thonissahgarawa, a Chief of the six nations, rose up, and addressing himself to the Gentlemen and several Nations present, apologized for some difference which happened this morning among themselves, as it was the Means of preventing our Meeting them

in the Forenoon, and desired that their Brethren, the English, and the Tribes of Indians present, would take no Notice of it.

A String.

The same Chief then spoke as follows :

"Brethren:

"I am sorry to hear what our Brethren, the Shawanese, said to you yesterday, as we did not expect that they would have made any mention of your keeping Possession of the Forts you have taken from the French, for it was agreed upon by the six Nations, as well as all other Indians, that the French should be driven out of this Country, and the Possession of all their Forts and Towns put into the Hands of our Brethren, the English, and the Road of Peace was opened, from the Sun rising to the sun-setting, for all Nations to Travel in.

A String.

Then Kayashuta, a Chief of the Senecas, got up, and laying down a Copy of the Treaty of Peace made by Colonel Broadstreet with the Indians in the year 1764, spoke as follows:

"Brethren:

"What our Chief has just now mentioned to you is very true, and you will see by this Paper, that during the late unhappy Differences between us, we held a Treaty with Colonel Broadstreet, by which we agreed that you had a right to build Forts and trading Houses where you pleased, and to Travel the Road of Peace from the Sun-rising to the Sun-setting. At that Treaty the Shawanese and Delawares were with me, and know all this well, and I am much surprized that the Shawanese should speak to you in the Manner they did yesterday.

"The Commissioners then addressed themselves to the Six Nations, and spoke as follows :

"Brethren of the Six Nations :

"It gave us great Pleasure to hear what you said the other Day to your Brother Onas, and We thank you in his Name for the readiness you discovered in brightening and making Strong our antient Chain of Friendship. This will be very agreeable to him, as we know he is sincerely determined to continue to do the same on his Part.

"Brethren :

"We esteem it a Strong Mark of the Sincerity and Goodness of your Hearts, that you have opened them to us so freely and fully, as your Brother Onas earnestly desired you, that he might know what ever lay still concealed within your Breasts, which gave you any uneasiness.

"Brethren :

"You have candidly and publickly told us that you are now easy with respect to all former Losses you have suffered by our Means, and that you will take no further Notice of such Things.

This entirely corresponds with your strong professions of Friendship.

A String.

"Brethren:

"You have also freely, and without Reserve, informed us that the only Grievance which you now have Reason to complain of, is the Settlement made on your Lands. We are glad, Brethren, we have now so good an Opportunity of acquainting you, as well as the several Nations present, with the Mind of your Brother Onas, and the endeavours which have been used to do you Justice in this Respect.

"Brethren:

"We can assure you that nothing has given him more Concern than to find a Number of foolish People should dare to seat themselves on Lands in this Province, which your good Friends the Proprietors have not as yet purchased from you. Governor Penn, therefore, as well from his own sincere and earnest inclinations to remove this Injury done you, as by the express Commands of Our great King George, issued Proclamations near Two Years ago, ordering all Persons whatsoever, who had settled on your Lands, to remove without delay, and forbiding others from taking the least Possession of any under the severest Penalty of the Law.

"Brethren:

"As the People who have settled on your Lands came chiefly from Virginia, the Governor of that Province likewise issued Proclamations and orders to the same Purpose. The King's General too, (His Excellency General Gage,) hath twice sent up Parties of Soldiers to the People living on Red-Stone Creek and the Monongahela to warn them off your Lands, and threatened them with seizing their Persons and Effects if they refused to move away. But Brethren, we are sorry to tell you that none of these Measures have had the desired Effect, and therefore, Governor Penn and his Assembly, having still your Interest greatly at Heart, passed a Law in February last inflicting the Penalty of Death on all Persons who should continue on your Lands after the first Day of June next, and in order that the People who were settled on them might have timely and proper Notice of that Law, Governor Penn, near two months ago, sent to them four prudent and honest Men to distribute Copies of it among them, with a Number of Proclamations commanding them to obey it strictly under the Penalty of Death, and also to read and explain them fully to the People.

"Brethren:

"Those four Men have lately returned home and reported to the Governor of Pennsylvania that they had executed his orders, but that they were told by the People settled at and near Red-Stone Creek, that they had been encouraged by the Indians themselves to continue on those Lands; that, however, they are determined to

obey the Law, and move off without delay. But, Brethren, we are sorry to tell you that, as soon as the Men sent by the Governor had prevailed on the Settlers to consent to a compliance with the Law, there came among them eight Indians who live at the Mingo Town down this River, and desired the People not to leave their Settlements, but to sit quiet on them 'till the present Treaty at this Place should be concluded. The People, on receiving this advice and encouragement, suddenly changed their Minds, and determined not to quit their Places 'till they should hear further from the Indians."

The Indians then delivered to the Men sent by the Governor a String of Wampum, and a Speech, which they desired them to carry to the Governor. The Speech was this: "You are sent here by your great Men to tell these People to go away from the Lands, which you say is ours, and our great Men have sent us, and we are glad to meet here the same Day. We tell you the White People must Stop, and we Stop them 'till the Treaty, and when George Croghan and our great Men shall speak together, we will tell them what to do."

"Now, Brethren, we cannot help expressing to you our great Concern at this Behaviour of those Indians, as it has absolutely frustrated the Steps the Governor was taking to do you Justice, by the immediate removal of those People from your Lands. And we must tell you, Brethren, that the Conduct of those Indians appears to us very astonishing, and we are much at a Loss to account for the Reason of it at this Time, when the Six Nations are complaining of Encroachments being made on their Lands. You, yourselves, Brethren, must be very sensible that while any of the Indians encourage the People to stay on their Lands, it will inevitably defeat all our Measures to remove them. But, Brethren, all that we have now to desire of you is, that you will immediately send off some of your Prudent and wise Men with a Message to the People settled at Red-Stone, Youghoghainy, and Monongahela, to contradict the advice of the eight Indians from the Mingo Town, and to acquaint them that you very much disapprove of their continuing any longer on their Settlements, and that you expect they will quit them without Delay.

"If you agree to this, we will send an honest and discreet White Man to accompany your Messengers; and, Brethren, if after receiving such Notice from you, they shall refuse to remove by the Time limited them, you may depend upon it the Government will not fail to put the Law into immediate Execution against them."

A String.

The Commissioners then, addressing themselves to the Shawanese, spoke as follows:

"Brethren:

"In the first part of your Speeches Yesterday, you acquainted us that it was very disagreeable to you to see a Fort continued at

this Place, contrary to your Expectations, and that you were very sorry to find a Number of Batteaus building here, in order to go down the River. With Regard to these things we can only say it is not a little surprising to us that you should mention them at this Time, as we have always understood that this Matter was settled with the Six Nations and all other Indians, several Years ago, and their full Consent obtained for keeping Forts in your Country, as well as for going down this River to Trade. But, Brethren, as we came here to confer wth you on Subjects which only relate to the Province of Pennsylvania, we have no concern in this Business. It is an Affair of our great King of England, and as such we must refer you for a more particular Answer to Mr. Croghan, who, you know, is appointed by His Majesty to transact his Affairs with the Indians in this Country."

The Commissioners then spoke to the Delawares, Shawanese, Munsies, Mohickons, and Wyandotts, as follows:

"Brethren:

"We now return you thanks, in the Name of the Governor of Pennsylvania, and in behalf of the good People of that Province, for the kind Manner in which you have received his Messages by us. We assure you it gave us great Pleasure to hear you declare in this Public Council, your hearty Concurrence with him in keeping fast hold of the Chain of Friendship, and your Determination to preserve it bright; and not to suffer any little Accidents to make a Breach in it.

"Brethren:

"It is a strong proof of the sincerity of your Hearts, that you have resolved entirely to forget all the past Mischiefs and Injuries which have been committed by the folly of our Wicked and rash young Men, and we now hope these things will never interrupt our future Peace and Happiness.

"Brethren:

"We also thank you for making the Road smooth between you and the People of Pennsylvania, by removing all the Obstructions that were in it, in such a manner that it may be travelled by all People with Ease and Safety.

"Brethren:

"It will give us much Pleasure when we return to Philadelphia, to communicate to the Governor all that has passed between us at these Conferences; and to assure him of your friendly Dispositions and upright Intentions, which you may depend on we shall faithfully do"

A Belt.

The Commissioners having finished what they had to say to the Indians, Mr. Croghan made them the following speeches:

"Brethren, the Shawanese:

"When you spoke yesterday to the Governor of Pennsylvania, you desired him to destroy this Fort, and not to pass down this

River, as it was bloody; and said that our Warriors passing through your country, gave you and all other Nations great uneasiness in your Minds. You are the only Nation that has mentioned this Circumstance, and I must tell you that this Fort was built by the King's Orders, and that your Brother, the Governor of Pennsylvania, has no concern in this matter.

"Brethren:

"I well remember that when the French built a Fort here, and passed up and down this River, you did not desire them to destroy their Forts and leave your country. We were at war with your old Fathers, the French, when we drove them away and took possession of this Fort; after that we conquered them, which you well know, and when we came here the Six Nations agreed to it, and came with us and openeda Road of Peace through all this country, from the Sun-rising to the Sun-setting, both by land and Water, that we might talk in Peace with all Nations of Indians to the Westward; and we thought the Six Nations had a Right so to do, as we always understood that they were the Original Proprietors of this Country.

"Brethren:

"When I was first going down this River, by Order of His Excellency General Gage, and the Honourable Sir William Johnson, all the Nations now present agreed to it, and sent Deputies with me to promote the good Work of Peace with all Nations of Indians to the Westward, and to receive them into the Chain of Friendship subsisting between the King's Subjects, the Six Nations, and all others in Alliance with them, and to take them under His Majesty's most gracious Protection, which has been since done. It is very true, when we first went down, we met with a Misfortune from some of the Nations we were going to speak to, through the Instigation of the French, who then had an influence with those People to persuade them to do Mischief, but ever since that Time, those Nations have behaved well to their Brethren, the English; and after that unhappy Accident, by which we were Sufferers, Captain Murray and Mr McKee condoled with your Nation for your Losses, agreeable to the antient Custom of our Fore-fathers, and buried the Bones of our Deceased Brethren, whose Loss gave me great Pain of Mind; and I did not expect to find their Bones Raked out of the Ground and brought into Council at this Time, especially as you must know that we were struck by the very Hatchet you yourselves put into their Hands to strike the English with.

"Brethren:

"By the late Treaty of Peace between the King of Great Britain and the French King, the latter gave us Possession of all their Forts and Towns, as we had conquered them. You likewise took Notice Yesterday of our building Boats, and making Repairs to this Fort. I must tell you that the King, my Master, never made War on any Indian Nation in this Country; on the Contrary,

he has always promoted Peace among you; an Instance of which you see in the Peace brought about between the Six Nations and Cherokees. But you all well know that the French acted on different Principles, by setting one Nation at War against another. This Conduct of theirs was not pleasing to the Six Nations; they, therefore, requested the English to go with them, and Sir William Johnson, to drive the French from Niagara, and put it into the Hands of the English, which you all well know they did; and since that Time our Warriors have passed through this Country from Fort to Fort, and back again, and no difference has happened between them and your People. I am, therefore, surprized, Brethren, to hear you want to stop the Road of Peace that hath been so long opened for all Nations, from the Sun rising to the Sun setting.

A Belt.

"Brethren of the Six Nations, Shawanese, Delawares, Wyandotts, Munsies, and Mohickons, Give Attention to what I am going to say to you.

"It gives me great Pleasure to find that the Measures taken by the Governor of Pennsylvania, and the wise People of that Province, have proved so effectual and agreeable to your several Nations as to remove all Uneasiness from your Minds on Account of the many Accidents that have happened between your People and the King's Subjects in that Province, and that you have buried them so deep in the Earth that neither you nor your Children yet unborn, may ever call them to Remembrance.

"Brethren:

"Your Fore-fathers lived in the strictest Friendship with the worthy Founder of that Province and the good People that came with him, and you have now renewed and brightened that antient Chain of Friendship with the Governor's Commissioners, in behalf of the King's Subjects in that Government. I now recommend it to your several Nations to hold fast by that Chain, and Act on the same Principles your wise fore-fathers formerly did.

A String.

"Brethren:

"You have all heard what the Six Nations said to you by their Deputies, that they heartily repented of their own past ill Conduct towards their Brethren, the English, in Stealing Horses, and committing other Abuses, and they have desired you, Brethren, to cast out all evil Thoughts from your Minds, and return any stolen Horses you may have amongst you, and think of Nothing for the future but promoting the good work of Peace between you and your good Brethren, the English.

"Brethren:

"The King of Great Britain, your Father, and my Master, takes Delight in promoting Peace among all Nations of Indians in this

Country and his own Subjects, which you must be well acquainted with. You all Daily experience his Love towards You and his Pity for your Necessities, by the Favours you constantly receive from his Officers here and elsewhere, and I am sorry to say that your past Conduct shews a want of Gratitude in you to his Subjects.

"Whenever the King makes Peace with any Nation he never violates his Engagements, though he always has it in his Power to chastize any People who dares be so hardy as to disturb the Tranquility of their Neighbors; But I now trust, Brethren, that your future Conduct will be such as may merit His Majesty's Esteem and Protection.

"By this Belt, I now clear the Road of Peace and make it smoth and easy to Travel, from the Sun-rising to the Sun-Setting, that your Brethren, the English, and all Nations of Indians, may travel it with Pleasure, as one People, united in the strongest Chain of Friendship, that our Women and Children yet unborn, may mutually enjoy the Blessings of a lasting Peace.

"Brethren of the Six Nations, who are settled at the two Creeks:

"I am sorry to hear from some of your Brethren, the English, that whenever any of them pass by your Village you take Rum and other things from them. You must be sensible this Conduct is very wrong and a Breach of your Engagements to us; I hope I shall hear no more of it; you have been desired three Years ago, by the Six Nation Council, to remove up this River nearer to their Country, and I now desire you will take that Message into your most serious Consideration, and do as they have directed you, which will be very agreeable to all your Brethren, the English."

A String.

Mr. Croghan having finished what he had to say to the Indians, the Commissioners addressed themselves to all the Nations present, and said:

"Brethren:

"We are now to acquaint you that by order of the Government of Pennsylvania, we deliver to you a present of Goods, to be distributed among the several Tribes present, to Cloath your Women and Children, and we desire you will receive them as a Testimony of the Affection and Regard which the Governor and good People of this Province have for you."

The Commissioners then delivered the Presents to the different Tribes, amounting to *One Thousand and Fifty Pounds*, Pennsylvania Currency, including the several private Presents made to the Chiefs and Warriors.

This Evening arrived here Twenty-five Six Nation Warriors on their return from the Cherokee Country, and brought with them two Prisoners.

At a private Conference held at Fort Pitt on Friday the sixth day of May, 1768, with all the Chiefs and principal Warriors of the Delawares, Munsies and Mohickons.

PRESENT:

Mr. Croghan and the Commissioners.

The Beaver rose up and spoke as follows, in behalf of the Delawares, Munsies and Mohickons.

"Brethren:

"It gives us great pleasure that the Conferences are now ended, that the antient Chain of Friendship is now renewed and the Road made smooth between our several Tribes and our Brother, the Governor of Pennsylvania. Every Thing you have said respecting the Folly of our young People in stealing your Horses and committing other Abuses, we have laid to our Hearts, and will take Care to prevent any such Misconduct in them for the future, and we desire, Brethren, you will take Care that none of your Young People steal any Horses from us, which they have frequently done."

A Belt.

He then addressed himself to the Commissioners, and said:

"Brethren:

"We now speak to you on Account of Trade. The Traders who supply us with Goods come from your Province, and we do not take upon us to judge whether the Goods they sell us are Dear or not, as we are ignorant of what they cost them; but we are certain from our own knowledge, that they do not allow us the same Price for our Skins and Furs as they did formerly, and hope you will speak to them to allow us a sufficient Price for our Peltry.

A Belt.

"Brethren:

"The Country lying between this River and the Alleghenny Mountains, has always been our Hunting Ground; but the White People who have scattered themselves over it, have, by their hunting, deprived us of the Game, which we look upon ourselves to have the only Right to, and we desire you will acquaint our Brother, the Governor, of this, and prevent their Hunting there for the future.

A String.

"Brethren:

"We have now done speaking on Business, and every thing has been settled at this Conference to our Satisfaction, and We have agreed that two of our principal Warriors, named Quequedagduedo and Killbuck, shall accompany you to Philadelphia, in order to see the Governor, and bring us such Answers as he shall think proper to send Us respecting our Trade and Hunting Country."

A Belt.

To which the Commissioners replied:

"Brethren:

"We have already communicated to you and the other Nations, the several Steps taken by the Government to do you all Justice with respect to the Encroachments on your Lands, and we shall carefully report to the Governor every thing you have now said to us on this Head, that he may take such Measures as may be judged most expedient to Satisfy you, and you may expect to receive his Answer As soon as a convenient Opportunity offers."

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At a Meeting held at Fort Pitt, on Saturday the 7th of May, 1768, with the Chiefs and Principal Warriors of the Shawanese.

PRESENT:

Mr. Croghan, and the Commissioners.

Kissinaughtha, a Chief of the Shawanese, addressed himself to the Commissioners, and said:

"Brethren:

"When you spoke to us from the Governor, you desired us to speak from our Hearts, and tell you what gave us any Uneasiness of Mind. We considered your Speeches, and did so, which we find by your Answer was not agreeable to you. You tell us what we spoke to you did not belong to the Governor of Pennsylvania, but to the King.

"Brethren:

"We assure you that we are as well disposed to live in Friendship with our Brethren, the English, as any other Nation in this Country, and will hold fast by the Chain of Friendship, now renewed and brightened by our Brother Onas, as long as the Grass Grows or Waters run, with all our Brethren, the English."

A String.

The same Speaker addressed himself to Mr. Croghan, and spoke as follows:

"Brother:

"We are all very sorry that we should have said anything, the other day to our Brother Onas, that should give you or his Commissioners any Offence, or our Brethren, the Six Nations. But as the Governor of Pennsylvania, in his Speeches, desired us to open our Minds, and to tell every thing that gave us any uneasiness, we were determined to do so.

"Brother:

"When you spoke to us the next Day, you told us every thing that passed in the Time of War, as well as since, which is very true, and we acknowledge we were wrong, though we did not expect you would do as we requested. And from what you have told us, We

know that it is not in the Power of any other Person but the King, our Father. And though you say we were the only Nation that has mentioned this to you, we know that all other Nations of Indians wish, as well as we, that there were no Forts in this Country.

"As to what we said about the Boats going down the River, we did not mean that they should not go, but desired you would not send them till we had time to go and Council with the Nations in that Country, as we have heard bad News from thence. And as to what we said about our People that were killed when you were taken Prisoner, we only mentioned it to shew you what a foolish People the Indians there are. It is very true, Brother, we did send a Hatchet to those Nations in Time of War, but it was sent to us from the Senecas to carry to them.

"Brother:

"We now desire that you may forget what we first spoke to you about those things, and help us to some Council Wampum, as we are very poor, and we will immediately set out to talk to all the Nations in that Country, and take back from them all the Belts we sent them, and do every Thing in our Power to make the Road smooth & easy to Travel, and convince you that we are as much disposed to hold fast the Chain of Friendship as any Nation in this Country."

A Belt.

—

At a Meeting held at Fort Pitt, on Monday, the 9th of May, 1768, with the Chiefs and Principal Warriors of the Six Nations.

PRESENT:

Mr. Croghan and the Commissioners.

It was agreed upon by them to comply with the Request of the Commissioners in sending Messengers to the People settled at Redstone, Youghioghany, and Monongahela, to signify to them the great Displeasure of the Six Nations, at their taking Possession of the Lands there, and making Settlements on them; and also that it is expected they will with their Families remove without further Notice. They accordingly appointed the White Mingo and the three Deputies sent from the Six Nation Country, to carry a Message to that Effect, and the Commissioners agreed to send Mr. John Frazer and Mr. John Thompson, to accompany them, with written Instructions in behalf of the Government of Pennsylvania.

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Monday 9th of May, 1768, P. M.

The Indian Messengers having agreed to set out for Redstone Creek to-Morrow, the Commissioners, as an encouragement to them

for the Trouble of their Journey, made them a present of some Black Wampum.

They then desired Mr. Frazer and Captain Thompson to hold themselves prepared for accompanying the Indian Messengers in the Morning, and wrote them a Letter of Instructions, which follows in these words, viz :

"Fort Pitt, the 9th of May, 1768.

"Gentlemen :

"The Six Nations, at the public Conferences held last Week, with them and other Tribes of Indians at this Place, renewed their Complaints of Encroachments being made on their Lands, and they have agreed, at our Instance, to send four Messengers to the People settled on the waters of the Monongahela and Youghioganey, to express their great Disapprobation of their continuing still there, and also to let them know that it is expected by the whole Confederacy of the Six Nations, that they will remove from the Lands they have unjustly taken Possession of, without further delay. But as it is necessary, in order to enforce the Message from the Indians, and to see that it is properly and effectually communicated to the People, that some prudent Persons should accompany the Indian Messengers, we request that you will do us the Favour to undertake this Business.

As soon as you arrive in the midst of the Settlement near Redstone Creek, it will be necessary to convene as many of the Settlers as possible, to whom the Indians may then deliver the Message which shall be given to you in writing; and we desire you will leave a few copies of it with the principal People, that they may communicate the same to those who live at any considerable Distance from them.

"We herewith furnish you with a Copy of the Speech delivered to us at this Treaty by the Six Nations, respecting the settlement of their Lands, which you will be pleased to read to the Settlers for their information.

"You may then acquaint them, that they must be convinced by this Message and the Speech of the Six Nations, that they have hitherto been grossly deceived by a few straggling Indians of no Consequence, who may have encouraged them to stay on their settlements, and that they will now be left without the least Pretence or Excuse for staying on them any longer. However we make no Doubt but before you reach Redstone many of the Families will have removed, in Obedience to the late Law passed in this Province, which has been read and fully explained to them by the Reverend Mr. Steele and the other Gentlemen who the Governor sent up to them in March last.

"But should you find any of those inconsiderate People still actuated by a Lawness and obstinate Spirit, to bid Defiance to the Civil Authority, you may let them know that we were under no

Necessity of sending in the Name of the Governor any further notice to them, or of being at the Pains at making them acquainted with the real Minds of the Indians, to induce them to quit their settlements, for that the Powers of Government are sufficient to compel them to pay due obedience to the Laws, and they may depend upon it, they will be effectually exerted if they persist in their Obstinacy.

"You may likewise assure them, that they need not attempt to make an Offer of Terms with the Government respecting their Removal, as we hear some of them have vainly proposed to do, by saying they would go off the Lands immediately, on condition that they should be secured to them as soon as the Proprietary Purchase is made. It is a high Insult on Government for those People even to hint such things.

"The only Motives therefore, which excite us to make use of the present Expedient of sending you with Messengers from the Indians on this Occasion, is the compassionate Concern we have for the dangerous Situation and Distress of those unhappy People, and the hopes we have that by this Means they may be convinced it is their true and best Interest to pay a due Submission to the Laws, by relinquishing their Settlements without Delay. If any of them should talk of Petitioning the Governor for a Preference in taking up the Lands they have improved, you may assure them from us that it will be to no Manner of purpose till they have first complied with the Law.

"We depend greatly on your Care and Prudence in executing this Business to our Satisfaction, and recommend it to you to be particularly careful that the Indian Messengers are treated with the greatest Civility and Kindness. When you return to Fort Bedford we beg you will write us an Account of your Proceedings. We wish you a Safe Return to your Families, and are with great regard, Gentlemen,

"Your most Obedient humble Servants,
"JOHN ALLEN.
"JOSEPH SHIPPEN, Junior.

"To Messieurs John Frazer and William Thompson."

Messieurs Frazer and Thompson being in Readiness with their Horses and Provisions for their Journey to Redstone-Creek, the Commissioners sent several times for the Indian Messengers, who at last came to the Fort and acquainted them that they had been seriously considering the Business they were going to be sent on, and it now appeared to them so disagreeable, that they could by no means consent to undertake it, and immediately returned the Wampum which had been given them. Upon being interrogated as to the Reasons of their declining to perform what they had consented to, they answered that three of them were sent as Deputies by the Six Nation Council to attend the Treaty here; and having received no

Directions from them to proceed any further, they chose to return home in Order to make Report of what they had seen and heard at this Place; they further added that the driving White People away from their settlements was a Matter which no Indians could with any satisfaction be concerned in, and they thought it most proper for the English themselves to compel their own people to remove from Indian Lands.

After this refusal of the Indians who had been appointed to carry the Message from the Six Nations, the Commissioners in vain attempted to persuade or procure others to execute the Business, though they used great Endeavours for that Purpose; and they thought it both useless and imprudent to continue to press a Matter on the Indians which they found they were generally much averse to; and therefore, concluded to set out on their return to Philadelphia without further Delay. But in a short Time afterwards Kayashuta came with Arroas (a principal Warrior of the Six Nations) to the Commissioners at their Lodgings, where the former addressed himself to them in Effect as follows, viz^{t}:

"Brethren:

"I am very sorry to find that you have been disappointed in your Expectations of the Indian Messengers going to Redstone, according to Your desire, and our Agreement, and I am much afraid that you are now going away from us with a discontented Mind on this Account. Believe me, Brethren, this Thought fills my heart with the deepest grief, and I could not suffer you to leave us without speaking to you on this Subject, and endeavouring to make your Minds easy.

"We were, all of us, much disposed to comply with your Request, and expected it would have been done without difficulty, but I now find that not only the Indians appointed by us, but all our other young Men, are very unwilling to carry a Message from us to the White People, ordering them to remove from our Lands. They say they would not chuse to incur the ill Will of those People; for if they should be now removed, they will hereafter return to their Settlements when the English have purchased the Country from us, And we shall be very unhappy, if, by our Conduct towards them at this Time, we shall give them Reason to dislike us, and treat us in an unkind Manner, when they again become our Neighbours. We therefore hope, Brethren, you will not be displeased at us for not performing our Agreement with you, for You may be assured that we have good Hearts towards all our Brethren, the English."

The Commissioners returned Kayashuta many Thanks for his friendly Behaviour on this Occasion, and assured him that they greatly approved of the Conduct of the Indians during this Treaty, and were now returning home with very easy and contented Minds. They further acquainted him that their Reason for urging them to send a Message to the Redstone Settlers, proceeded entirely from

the great Anxiety they had of contributing every Thing in their Power that might expedite the Measures taken by the Government to do them Justice, and to redress every Injury they complained of. Yet as they found the Compliance of their Request was disagreeable to the Indians, they could not press the Matter on them any further, though it appeared to be a Step very necessary to be taken at this Time.

They then took leave of the Indians in the most friendly Manner, and set out on their Return to Philadelphia.

The End of the Treaty held with the Indians at Fort Pitt.

At a Council held at Philadelphia, on Friday the 15th of July, 1768.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Benjamin Chew, } Esquires.
James Tilgham, }

The Governor being informed that a Negro Man was lately committed to York County Gaol for Burglary, the Council advised His Honour to issue a Commission appointing David Jamison and Martin Eikleburger, Esquires, Justices for holding Courts in that County for the Trial of Negroes, according to Law.

The 23d of July, 1768.

MEMORANDUM.

Mr. John Pope of the County of York, being recommended to the Governor as a proper person to be in the Magistracy, His Honour, accordingly, by a special Commission, appointed him one of the Justices of the Peace and of the County Court of Common Pleas for the said County.

At a Council held at Philadelphia, on Saturday the 6th of August, 1768.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c[a].

The Governor laid before the Board a Letter he had received from His Excellency Governor Franklin, dated the 29th of last Month, inclosing His Proclamation, and a Copy of a Deposition of Stephen

Skinner, Esquire, concerning the Robbery of the Treasury of the Eastern Division of New-Jersey, on the 22d of July last, which were read, and the same being taken into consideration, the Board advised His Honour to issue a Proclamation, enjoining and requiring all Officers of the Peace within the Province and lower Counties, to use their utmost Endeavours to discover and apprehend the Perpetrator or Perpetrators of the said Robbery, and likewise to direct that the same be Published in the Pennsylvania Gazette, Journal, and Chronicle, and two hundred Copies thereof Printed and dispersed through the different Counties within his Governments. The said Proclamation follows in these Words, Viz^{t}:

"*By the Honourable JOHN PENN, Esquire, Lieutenant Governor, and Commander-in-Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, and Sussex, on Delaware.*

"A PROCLAMATION.

"Whereas, it appears to me by the Deposition of Stephen Skinner, Esquire, Treasurer of the Eastern Division of New-Jersy, transmitted to me by his Excellency Governor Franklin, that the House of the said Stephen Skinner, at Perth Amboy, was, in the Night of the twenty-first Day of July last past, robbed of Money to the Amount of seven Thousand Pounds, and upwards, by some Person or Persons unknown, Part of the said Money being in Dollars, a small Part in Gold, and the rest chiefly in new Bills of Credit of that Province.

"I have, therefore, by and with the Advice of the Council, thought fit to issue this Proclamation, hereby requiring and enjoining all Judges, Justices of the Peace, Sheriff's, and all other Officers of the said Province of Pennsylvania, and Counties on Delaware, to use their utmost Endeavours to discover and apprehend the Perpetrator or Perpetrators of the said daring Villainy, and to secure the said Money, and for that Purpose strictly to examine all Persons who, from being possessed of an unusual Sum of New Jersey Currency, or from other Circumstances, there may be Reason to suspect being concerned therein.

"*Given* under my Hand and the Great Seal of the said Province, at Philadelphia, the sixth day of August, in the Eighth Year of His Majesty's Reign, and in the Year of our Lord one thousand seven hundred and sixty-eight.

"JOHN PENN.

"By His Honour's Command.

"Joseph Shippen, Junior, Secretary.

"GOD SAVE THE KING."

At a Council held at Philadelphia, on Tuesday the 6th Septem^r 1768.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a

Richard Peters, Benjamin Chew, } Esquires.
Lynford Lardner, James Tilghman, }

The Governor laid before the Board a Transcript of a Record of Conviction of John Dowdle and Thomas Vaughan, at a Court of Oyer and Terminer and General Goal delivery, held at Chester, for the County of Chester, on the fifteenth day of August last, before William Allen, John Lawrence, and Thomas Willing, Esquires, Justices of the Supream Court of the Province of Pennsylvania, and of the said Court of Oyer and Terminer, by which Record it appears that the said John Dowdle and Thomas Vaughan were legally Tried and Convicted of Felony and Murder, committed on the Body of a certain Thomas Sharpe, on the Thirty-first day of March last, in the said County of Chester, and had each received Sentence of Death for the same. The said Record being taken into consideration, and no Circumstances reported by the Judges in favour of the said Criminals, The Governor with the advice of the Board, issued a Warrant for their Execution, on Saturday the seventeenth of September instant.

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Tuesday, the Thirteenth of September, 1768.

The Assembly having met Yesterday pursuant to Adjournment, the Secretary waited on the House and acquainted them that the Governor being necessarily called into a Neighbouring Province to transact a Business of great Importance, had left a written Message for the House, which, by the Governor's directions, he then delivered to them, and at the same time laid before them a Letter from the Right Honourable the Earl of Hillsborough, His Majesty's Secretary of State for America, dated with its Inclosure, which Message and Letter are respectively as follow, Viz^t:

A Message from the Governor to the Assembly.

"Gentlemen:

"As I am obliged to attend a Treaty shortly to be held with the Indians at Fort Stanwix, for the important purpose of settling a general Boundary Line between them and this, and the neighbouring Colonies, it will not be in my Power to meet you at the Time to

which you last adjourned. But, it being not usual at this Season to enter upon any other Business than the Settlement of the Public Accompts, I am in hopes my absence will not prove in any sort detrimental to the Interest of the Province.

"I have ordered the Secretary to lay before you a Letter which I received since the last Session, from the Right Honourable the Earl of Hillsborough, His Majesty's Secretary of State for America, which I recommend to your most Serious Consideration, and doubt not but you will conduct yourselves on the Occasion in such a manner as to confirm our Gracious Sovereign in the favourable Opinion he is pleased to entertain of you.

"JOHN PENN.

"September the 7th, 1768."

A Letter from the Earl of Hillsborough to the Governor.

WHITEHALL, April 21st, 1768.

"Sir:

"I have his Majesty's Commands to transmit to You the inclosed Copy of a Letter from the Speaker of the House of Representatives of the Colony of Massachusets Bay, addressed, by order of that House, to the Speaker of the Assembly of each Colony upon the Continent of North America.

"As His Majesty considers this Measure to be of a most dangerous and factious Tendency, calculated to inflame the Minds of his good Subjects in the Colonies, to promote an unwarrantable Combination, and to excite and encourage an open Opposition to, and Denial of the Authority of Parliament, and to subvert the true Principles of the Constitution, it is His Majesty's Pleasure that you should immediately upon the Receipt of this, exert your utmost Influence to defeat this flagitious Attempt to disturb the Public Peace, by prevailing upon the Assembly of your Province to take no Notice of it, which will be treating it with the Contempt it deserves.

"The repeated Proofs which have been given by the Assembly of Pennsylvania, of their Reverence and Respect for the Laws, and of their faithful Attachment to the Constitution, leave little room in His Majesty's Breast to doubt of their shewing a proper Resentment of this unjustifiable attempt to revive those Distractions which have operated so fatally to the prejudice of this Kingdom and her Colonies, and accordingly, His Majesty has the fullest Confidence in their Affections; but if, notwithstanding these Expectations, and your most earnest Endeavours, there should appear in the Assembly of your Province a disposition to receive or give any Countenance

to this Seditious Paper, it will be your Duty to prevent any proceeding upon it, by an immediate Prorogation, or Dissolution.

"I am, with great Truth and Regard, Sir,
"Your most Obedient, humble Servant,
"HILLSBOROUGH."

"Deputy Governor of Pennsylvania."

Thursday the 15th of September, A. M.

The Secretary waited on the Assembly, in Obedience to Orders he had received from the Governor, and laid before them for their Perusal a Copy of the Conferences held at Fort Pitt with the Indians in May last.

At a Council held at Philadelphia, on Tuesday the 4th of October, 1768.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, President.

Joseph Turner, William Logan, Lynford Lardner, Thomas Cadwallader, } Esquires.

The President laid before the Board the Returns of Sheriffs and Coroners for the Counties of Philadelphia, Chester, Bucks, Berks, Lancaster, and New Castle, which, being duly considered, the following Persons were appointed and Commissionated as Sheriffs and Coroners for the respective Counties, viz^{t}:

Joseph Redman,	Sheriff,	Philadelphia County.	
Caleb Cash,	Coroner,		
John Morton,	Sheriff,	Chester	D^{o}
Joseph Gibbons,	Coroner,		
Joseph Ellicott,	Sheriff,	Bucks	D^{o}
James Wallace,	Coroner,		
Jacob Shoemaker,	Sheriff,	Berks	D^{o}
Jame Whitehead, Junior,	Coroner,		
James Webb, Junior,	Sheriff,	Lancaster	D^{o}
Mathias Slough,	Coroner,		
John Thomson,	Sheriff,	New Castle	D^{o}
William McClay,	Coroner,		

At a Council held at Philadelphia, on Thursday the 6th of October, 1768.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, President.

Joseph Turner, William Logan, Lynford Lardner, Thomas Cadwallader, } Esquires.

The Returns of Sheriffs and Coroners for the Counties of Northampton, York, Cumberland, Kent, and Sussex, being now made, the President, with the Advice of the Council, appointed and Commissionated the following Persons as Sheriffs and Coroners for their respective Counties, Viz^{t}:

John Jennings,	Sheriff,	Northampton	County.
Robert Lattimore,	Coroner,		
George Eichelberger,	Sheriff,	York	D^{o}.
Joseph Adlum,	Coroner,		
David Hoge,	Sheriff,	Cumberland	D^{o}.
William Denny,	Coroner,		
James Wells,	Sheriff,	Kent	D^{o}.
Solomon Wallace,	Coroner,		
Boaz Manlove,	Sheriff,	Sussex	D^{o}.
George Walker,	Coroner,		

At a Council held at Philadelphia, on Tuesday 13th of December, 1768.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}.

The Governor laid before the Board Three Records of Conviction, which being read, it appears by one of the said Records, that at a Court of Oyer and Terminer and general Goal Delivery, held at York for the County of York, on the eighteenth Day of November last, before John Lawrence and Thomas Willing, Esqires, Justices of the Supream Court of the Province of Pennsylvania, and of the said Court of Oyer and Terminer, John Shannon was Tried and convicted of Felony and Burglary, committed in the dwelling House of William Scott, in the township of Berwick, and County aforesaid, on the fifteenth of October last, and hath received sentence of Death for the same.

By another of the said Records it appears that at the said Court of Oyer and Terminer and General Goal Delivery, held the eighteenth of November last, before the said Justices, Henry Fisher alias Weaver, was tried and Convicted of Felony and Burglary,

committed in the Dwelling House of James M'Gaughy, in the Township of Cumberland, and County of York, on the twenty-third of July last, and hath received Sentence of Death for the same.

By the other of the said Records, it appears that at the said Court of Oyer and Terminer and General Goal Delivery, held on the eighteenth and nineteenth Days of November last, before the said Justices, Henry Smith and Mary Kennedy were Tried and Convicted of Felony and Murder, committed on the Body of Baltzer Klotzer, in the Township of Manchester, and County of York, on the twelfth of July last, and have received Sentence of Death for the same.

The said Records being taken into Consideration, and the said Justices having recommended to the Governor the two first mentioned Criminals as objects of his Mercy, the Governor, with the Advice of the Board, granted the said John Shannon and Henry Fisher, alias Weaver, a Pardon, and issued a Warrant for the Execution of Henry Smith and Mary Kennedy, on Saturday the twenty-fourth of December instant.

[Here follows 45 Blank Pages in Council Book, after which appears the following:]

Chamber, and required their attendance, that he might pass the Bills which had been agreed on. The whole House attending accordingly, the speaker presented to the Governor ten Bills intitled as follow, viz.:

"An Act to repeal an Act entituled 'An Act to enable the Inhabitants of the Borough of Lancaster, in the County of Lancaster, to raise money on themselves for supporting a Nightly Watch in the said Borough, & for other purposes therein mentioned."

"An Act to prolong the time limited for drawing the Lottery instituted and directed to be drawn in and by virtue of an Act entituled 'An Act for raising by way of Lottery the sum of £3003, 15, &ca.'"

"An Act directing the choice of Inspectors & for holding the General Elections in this Province."

"An Act for the better employment, relief and support of the poor within the City of Philadelphia, the district of Southwark, the Townships of Moyaminsink, & Passyunk, & the Northern Liberties."

"A Supplement to the Act, entituled 'An Act to continue an act entituled An Act for regulating and continuing the Nightly Watch, and enlightening the Streets, Lanes and Alleys of the City of Philadelphia, &ca.'"

"An Act to prevent cutting or damaging the Ropes used by the Ferrymen on Schuylkill, or elsewhere within this Province."

"An Act to prevent the destruction of small Rock Fish, & the taking Oysters & bringing them into this Province out of Season."

"An Act for appointing Wardens for the Port of Philadelphia, & for the regulating Pilots Plying in the River & bay of Delaware, & the price of Pilotage to and from the said Port."

A supplement to the Act entituled "A supplement to the Act entituled 'An Act for regulating, pitching, paving & Cleansing the Highways, Streets, Lanes and Alleys of the City of Philadelphia, &ca.'"

A Supplement to the Act entituled a "Supplement to the Act entituled 'An Act for erecting a Light House at the Mouth of the Bay of Delaware, at or near Cape Henlopen, &c.'"

Which Bills the Governor was pleas'd to enact into Laws and signed a Warrant for affixing the Great Seal thereto, and they were ordered to be afterwards deposited in the Rolls Office.

The Speaker then acquainted the Governor that the House had agreed to adjourn to Monday the 5th day of May next, and at the same time presented to His Honour a Certificate for £500, for which he returned thanks to the House.

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Monday, 3d March, 1766.

Yesterday Morning the Speaker of the Assembly delivered to the Provincial Secretary a Written Order to issue a Writ for the Election of a new Member of Assembly for Chester County, which follows in these words, viz^{t}:

"In Assembly,

"February 8th, 1766.

"*Pennsylv'a., ss.:*

"By a Resolve of the Assembly of this day, I am empowered & directed to order the Provincial Secretary that he do issue a Writ to the Sheriff of the County of Chester, for the Election of a Member to serve as a Representative in this Assembly for the said County of Chester, in the room of John Fairlamb, Esq^{r} lately deceased.

"Therefore, by virtue of the said Resolve, and in pursuance of an Act of Assembly of this Province in that case made & provided, I do Require that a Writ be issued to the Sheriff of the said County, for the purpose aforesaid, according to the directions of the Said Law.

"JOS. FFOX, Speaker.

"To Joseph Shippen, Esq^{r} Provincial Secretary."

Tuesday, 4th March, 1766.

The Secretary communicated to the Governor the above Order of the Speaker, & a Writ was accordingly issued this day to Philip Ford, Esquire, the Sheriff of Chester County.

At a Council held at Philadelphia, in the Council Chamber, on Wednesday the 4th of January, 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Lynford Lardner, James Tilghman, } Esquires.

A Committee of the Assembly waited on the Governor Yesterday, and acquainted him that a quorum of the House had met pursuant to Adjournment, and that as the Governor's Absence from the Province had deprived them of an Opportunity of presenting their Speaker to him at their last sitting, they now desired His Honour would be pleased to appoint a Time for that purpose. The Governor having accordingly agreed the receive to House with their Speaker this Forenoon, sent the Secretary with a Message to the House to acquaint them that he attended his Appointment in the Council Chamber. The whole House then waited on the Governor, and presented Joseph Galloway, Esquire, as their Speaker, who, being approved, claimed the usual privileges in the Name and Behalf of the House, which His Honour was pleased to say were essential to a Representative Body, and the House might depend on his protection in them.

At a Council held at Philadelphia, on Friday 13th of January, 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Richard Petters, Benjamin Chew, James Tilghman. } Esquires.

The Governor laid before the Board, for their Consideration, the following Letter, which he received last Summer from the Right Honourable The Earl of Hillsborough, His Majesty's Secretary of State for the American Department, bearing Date the 15th of April, 1768:

A Letter to the Governor from the Right Hon'ble the Earl of Hillsborough.

"Circular.—[No. 7.]

"WHITEHALL, April 15th, 1768.

"Sir:

"I have the Satisfaction to acquaint You that, in Consequence of a Report made to His Majesty by the Lords of Trade, the Plan for the management of Indian affairs, adopted by the Superintendants, has been fully laid before His Majesty.

"Upon mature Consideration of the present Regulations, the great Expence of the Variety of Establishments for exceeding the Value of the Object, and the Difficulties which have attended the Execution of the Plan in general, for want of a due Authority in the Superintendants, His Majesty has thought fit that it shall be laid aside, and that the Regulation of the Trade shall be left to the Colonies, whose Legislatures must be the best Judges of what their several Situations and Circumstances may require; that the Office of Superintendant shall, however, be continued for such matters as are of immediate Negotiation between His Majesty and the Savages, and cannot, therefore, be regulated by Provincial Authority, and that the boundary Line between the Indians and the Settlements of His Majesty's Subjects, every where negotiated upon, and in many Parts settled and ascertained, shall be finally ratified and confirmed.

"As the Grounds and Reasons for these several Resolutions are in general, set forth in the Report of the Board of Trade, and as that Report will inform you what will be expected and required of the Colonies, and what will hereafter be the Nature of the Office of Superintendant, I have thought fit to send you the inclosed Extract of such Parts of it as relate to these Objects; and I have it further in Command from his Majesty to acquaint you that, in consequence of the Resolutions His Majesty has taken for the future Direction of this Branch of his Service, He has given the necessary Orders to the Commander-in-Chief of his Forces for the Reduction of all such Posts in the interior Country as are not absolutely necessary for Public Safety in general, and for giving Protection and Facility to the Commerce of his Subjects. But as the Forts of Niagara, the Detroit, and Misilimackinac, do not appear to His Majesty to fall within this Description, His Majesty has thought fit that they shall be continued, and that a proper Naval Force shall be kept up upon the Lakes.

"The objects which upon this Occasion will principally demand the Attention of the several Colonies, are, to provide by the most effectual Laws, for preventing any settlements being made beyond the line that shall be agreed upon with the Indians, and for the Controul and Punishment of those atrocious Frauds and Abuses

which have been practised by the Traders, and have been one principal Cause of the Disaffection of the Savages.

"It is unnecessary for me to use any Arguments to show how greatly both the Interests and safety of the Colonies depend upon a close attention to these Objects; and, as many of the Regulations of the present Plan of Superintendency have evidently operated to the Benefit of the Trade, and to the giving that satisfaction and Content to the Savages by which alone the colonies can hope to derive either immediate Profit or lasting Peace, His Majesty trusts that they will be adopted, as far as local Circumstances and peculiar Situations will admit, always having Regard to that Freedom of Trade with the Indians which His Majesty has graciously granted to all His Subjects by His Proclamation of 1763.

"As the Execution of the Measures which His Majesty recommends to your Attention, will principally depend upon the Nature and Extent of the Reduction which the Commander-in-Chief of His Majesty's Forces shall think proper to make of the Military Establishments in the interior Country, His Majesty has given the necessary Directions that he should communicate to you, as soon as possible, the arrangements proposed to be made in respect to these Establishments; and His Majesty trusts that, after such Intimation, no Time will be lost in carrying His Royal Intentions into full Execution.

"I have the greater Satisfaction in communicating to you His Majesty's Directions upon this Subject, as I conceive that his Majesty's gracious Condescension in committing the Regulation of these important Objects to the Care of His Colonies, cannot but be very acceptable to them.

"I am, with great Truth and Regard,

"Sir:

"Your most Obedient
humble Servant,
"HILLSBOROUGH.

"Deputy Governor of Pennsylvania."

The Board having taken the said Letter into Consideration, were of Opinion that its Contents should be communicated to the Assembly by a Message; and that the Governor should recommend it to them to frame such Laws as effectually to comply with His Majesty's pleasure therein signified; and further, to acquaint the House with the result of the Treaty lately held by Sir William Johnson at Fort Stanwix, respecting the General Boundary Line established between the Indian Country and the Colonies.

At a Council held at Philadelphia, Monday 16th January, 1769.

"PRESENT:

The Honourable JOHN PENN, Esq^r, Lieutenant Governor, &^ca.

Richard Peters, William Logan, Lynford Lardner, James Tilghman, } Esquires.

The Letter from the Earl of Hillsborough, of the 15th of April last, was again read, and the Draft of a Message to the Assembly being prepared, was laid before the Board and approved, and the Secretary was directed to Transcribe the same and carry it to the House this afternoon, with the Report of the Board of Trade, to which it refers.

The said Message follows in these Words, Viz^t:

A Message from the Governor to the Assembly.

"Gentlemen:

"I have the pleasure to acquaint you that at a General Congress held last Fall at Fort Stanwix, by Sir William Johnson, His Majesty's Superintendant for Indian Affairs in the Northern District, with the Indians of the Six Nations, and their Nephews, the Delawares and Shawonese, a General Boundary Line was happily settled between those Indians and His Majesty's Middle Colonies, and that a Purchase was made by the Proprietaries of this Province, of a large Tract of Country lying within the General Boundary, and contained within the following Limits, Viz^t:

"*Beginning* in the said Boundary Line, on the East side of the East Branch of the River Susquehanna, at a place called *Owegy*, and running with the said Boundary Line down the said Branch, on the East side thereof, till it comes opposite the mouth of a Creek called by the Indians *Awandae*, and across the River, and up the said Creek on the south side thereof, and along the Range of Hills called Burnett's Hills by the English, and by the Indians on the north side of them to the Head of a Creek which runs into the West Branch of Susquehanna, which Creek is by the Indians called *Tiadaghton*, and down the said Creek on the south side thereof, to the said West Branch of Susquehanna; then, crossing the said River and running up the same, on the South side thereof, the several Courses thereof, to the Fork of the same River, which lies nearest to a place on the River Ohio, called *Kittanning*, and from the said Fork, by a strait Line to *Kittanning*, aforesaid, and then down the said River Ohio, by the several Courses thereof, to where the western Bounds of the said Province of Pennsylvania crosses the same River; and then, with the said Western Bounds to the south Boundary thereof, and with the south Boundary aforesaid, to the East side of the *Alleghany* Hills, and with the same Hills, on

the East side of them, to the West Line of a Tract of Land purchased by the said Proprietaries from the Six Nation Indians, and confirmed by their Deed, bearing Date the twenty-third Day of October, one thousand seven hundred and fifty-eight; and then with the Northern Bounds of that Tract to the River Susquehanna, and crossing the River Susquehanna to the Northern Boundary Line of another Tract of Land purchased from the Indians, by Deed bearing Date the twenty-second Day of August, one thousand seven hundred and forty-nine; and then, with that Northern Boundary Line to the River *Delaware*, at the North Side of the mouth of a Creek called *Lechawacsein*, then up the said River Delaware, on the West Side thereof, to the Intersection of it by an East Line, to be drawn from *Owegy* aforesaid, to the said River Delaware, and then, with that East Line to the Beginning, at *Owegy* aforesaid."

"I am also to inform you, that The Right Honorable the Earl of Hillsborough, His Majesty's Secretary of State for the American Department, hath signified to me that His Majesty, in his Wisdom, has been pleased to alter part of the Plan heretofore adopted for the management of Indian Affairs, and to Order that the Regulation of the Indian Trade shall be left to the respective Colonies, whose Legislatures must be the best Judges of what their several situations and Circumstances may require; And as the unjust settlements made on the Lands unpurchased of the Indians, and the abuses committed by the Traders, were the principal Causes of the Disaffection of the savages, it is His Majesty's Royal Expectation that a due attention will be given by the Colonies to these important Objects, and that they will frame proper and adequate Laws, not only for preventing any settlements being made on the Indian Lands beyond the General Boundary Line, but also for the Controul and Punishment of those atrocious Frauds which have been practised by the Indian Traders.

"As the Grounds and Reasons of His Majesty's Resolutions upon these Subjects, are in General set forth in a Report of the Board of Trade, transmitted to me by the Earl of Hillsborough, which points out what His Majesty expects of the Colonies in these matters, and explains what will be hereafter the Nature of the Office of Superintendant, which is not wholly to be laid aside, I have ordered the Secretary to lay that Report before you.

"I am persuaded, Gentlemen, I need not labour to convince you of the reasonableness of His Majesty's Expectations, nor to shew how greatly both the Interests and Safety of the Colonies depend upon a close Attention to the Objects recommended; nor can I doubt of your earnestly setting about, and prosecuting with all possible Dispatch, a work of so much Consequence to the Colonies in General, and this Province in Particular.

"JOHN PENN.

"January the 16th, 1769."

James Webb, of the county of Lancaster, appeared at the Board, and acquainted the Governor that he declined acting any longer as Barrack-master of the Barracks at Lancaster, and was ready to deliver them, with everything contained in them, into the Charge of such Person as the Governor should be pleased to appoint Barrack-Master in his Room. The Governor accordingly named James Ralph, Esquire, Chief Burgess of the Borough of Lancaster, for that Office; and ordered a Commission to be issued to him forthwith.

The Governor laid before the Board two Bills sent up by the Assembly for his Concurrence, entituled

"A Supplement to 'an act for erecting part of the Counties of Philadelphia, Chester, and Lancaster, into a separate County;'" and

"An Act for the preventing Frauds and abuses in Gold and Silver Wares, made and sold in this Province;" both which were read and referred to a further Consideration.

At a Council held at Philadelphia, on Thursday the 19th January, 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}

Benjamin Chew, Lynford Lardner, James Tilghman, Esquires.

"The Board resumed the Consideration of the Assay Bills and the Supplementary Bill to the Act for erecting part of the Counties of Philadelphia, Chester and Lancaster into a separate County; and after some Time passed thereon, referred them to a further Consideration.

"The Secretary laid before the Board a Return of a Road laid out and Surveyed pursuant to an Order of Council of the 30th of January, 1768, by the Persons therein appointed, from the Town of Reading, through the County of Berks, to a part of the River Susquehanna, lying above the mouth of Maghannioy Creek, and on the South Side of Maghannioy Mountain, which was read, and follows in these Words, viz^{t}:

"*To the Honourable JOHN PENN, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania and Counties of New-Castle, Kent, and Sussex, on Delaware, &ca.*

We, the subscribers, do humbly Certify to your Honour, that in Obedience to the Order of your Honour, and the Council hereunto annexed, We have viewed the Road therein mentioned, And have laid the same out, according to the Courses and Distances following, Viz^{t}:

"Beginning at the East End of Penn Street, in the Town of Reading, and County of Berks, and extending thence through the same to the Banks of the River Schuylkill, West 346 Perches; Thence,

Degrees.		Perches.	
S. 87	W.	33	perches across said River Schuylkill.
S. 60	W.	44	
N. 83	W.	223	
S. 75	W.	506	to George Krick's.
S. 88	W.	684	Sinking Spring Town.
N. 85	W.	45	
N. 80	W.	218	Coecoosing Creek.
N. 68	W.	37	
N. 84	W.	170	
W.		214	
N. 71	W.	110	
N. 75	W.	244	Jacob Rherers.
N. 60	W.	260	
N. 55	W.	64	John Echards.
N. 53	W.	168	
N. 45	W.	362	through Mr. Allen's land.
N. 62	W.	152	
N. 64	W.	120	to Yost Fisher's.
N. 74	W.	306	to Benjamin Weiser's.
N. 60	W.	344	through Middle Town to the end of Second Street.
N. 20	E.	33	up Second Street.
N. 28	W.	126	
N. 5	W.	118	to Tulpehoccon Creek.
N. 19	W.	60	
N. 7	W.	114	
N. 16	W.	115	
N. 15	W.	91	
N. 11	E.	134	
N. 11	W.	141	to John Rice's Tavern.
N. 30	W.	119	
N. 22	W.	254	
N. 49	W.	70	Nicholas Kinser's.
N. 29	W.	156	
N. 13	W.	354	
N. 23	W.	124	
N. 15	W.	60	
N. 30	W.	80	
N. 8	W.	14	
N. 46	W.	36	
N. 42	W.	46	
N. 57	W.	74	
N. 75	W.	104	Godfred Rherer's Tavern.

Degrees.		Perches.	
N. 80	W.	32	
N. 89	W.	206	
N. 81	W.	64	
N. 87	W.	42	
W.		116	
N.	W.	46	to Sweet Arrow Creek.
N. 20	W.	26	
N. 48	W.	34	Henry Derr's House.
N. 24	W.	26	
N. 59	W.	26	
N. 66	W.	77	
N. 19	W.	246	
N. 35	W.	59	
N. 48	W.	124	
N. 47	W.	66	
N. 72	W.	117	
N. 50	W.	20	
N. 60	W.	23	
N. 20	W.	16	
N. 50	W.	57	
N. 32	W.	266	
N. 52	W.	60	Fort Henry.
N. 85	W.	10	
N. 46	W.	58	
N. 33	W.	66	
N. 10	E.	48	
N. 34	E.	38	
N. E.		20	to the lower end of the Dugg Road.
N. 68	W.	36	
N. 51	W.	11	
N. 18	W.	16	
N. 85	W.	14	
N. 25	E.	108	on the Bridge of the Kittanning mountain.
N. 55	W.	150	to the foot of the Hill.
N. 23	W.	342	Swanger's Saw Mill.
N. 10	E.	12	
N. 23	W.	62	
N. 12	W.	50	at 10 P S to a Branch of Sweet Arro.
N. 41	W.	72	
N. 22	W.	110	
N. 43	W.	80	
N. 75	W.	182	
N. 16	E.	20	to a Second Branch of Sweet Arro.
N. 10	W.	68	Jacob Metz's.
N. 32	W.	470	the old feeding place.
N. 43	W.	121	
N. 25	W.	78	up Sweet Arro.

Degrees.		Perches.	
N. 56	W.	21	
N. 41	W.	20	
N. 22	W.	53	
N. 23	W.	36	Sweet Arrow Crossed.
N. 16	W.	40	
N. 44	W.	40	
N. 85	W.	44	
N. 44	W.	28	
West		204	
N. 74	W.	53	
N. 43	E.	59	on the broad Mountain.
N. 36	W.	128	
N. 69	W.	40	
N. 6	W.	134	
N. 10	E.	22	
N. 32	W.	60	at 48 P S. the old Path to Likens' Valley.
N. 22	W.	222	
N. 39	W.	64	
N. 10	E.	52	to a Branch of Sweetarro.
N. 36	W.	241	on the top of the highest Rise.
N. 72	W.	253	
N. 9	W.	45	to a noted Spring by y^{e} old path.
N. 19	E.	16	
N. 15	W.	25	
N. 24	W.	13	
N. 49	W.	8	
N. 60	W.	27	
N. 67	W.	14	
N. 76	W.	60	to the foot of a y^{e} broad Mountain.
N. 58	W.	540	
W.		432	
S. 75	W.	280	
S. 71	W.	121	
S. 84	W.	132	
N. 88	W.	227	
N. 85	W.	46	
N. 45	W.	99	to Deep Creek.
S. 81	W.	37	Jacob Miller's place.
N. 65	W.	23	
N. 49	W.	158	
N. 84	W.	689	
N. 68	W.	18	
N. 47	W.	20	
N. 81	W.	46	
S. 72	W.	61	to Oderwelder's Place.
N. 77	W.	93	

Degrees.		Perches.	
S. 88	W.	172	
N. 66	W.	164	To Pine Creek, at the Gap.
N. 5	E.	56	
N. 4	W.	34	
N. 10	E.	96	
N. 4	E.	112	
N. 43	W.	40	to Spread Eagle.
N. 26	W.	58	Maghontonga Creek.
N. 74	W.	48	
N. 55	W.	52	
N. 10	W.	106	
N. 32	W.	168	
North		77	
N. 10	W.	50	
N. 52	W.	47	
N. 87	W.	256	
S. 57	W.	61	
N. 87	W.	336	
N. 81	W.	129	
S. 84	W.	103	
N. 70	W.	46	to a branch of Swober Creek.
N. 12	W.	64	
N.		30	
N. 42	W.	48	
N. 89	W.	328	
S. 84	W.	26	
N. 65	W.	64	
N. 12	W.	42	
N. 30	E.	36	
N. 67	W.	54	
S. 70	W.	52	
N. 84	W.	48	
N. 60	W.	124	
N. 5	E.	47	
N. 38	W.	132	
N. 50	W.	58	
N. 70	W.	39	
S. 89	W.	12	
N. 55	W.	45	
N. 13	W.	58	
N. 20	W.	120	
N. 35	W.	93	
N. 10	W.	116	
N. 10	E.	30	to Maghonnoy Creek.
N. 20	W.	104	to a White Oak on the Bank of Susquehanna River, & South Side of the Maghannioy Mountain.

"Which Road We beg leave to return to Your Honour and Council, agreeable to the Directions of the said Order.

"Witness our hands.

"JONAS SEELY,
"JOHN PATTON,
"FREDERICK WEISER,
"BENJAMIN SPYCKER,
"CHRISTIAN LAUR,
"THOMAS JONES, Junior."

The Board taking the said Return, and Draft of Survey accompanying it, into due Consideration, and it appearing that no Objection had been made to any part thereof, do approve and confirm the Road, as in the said Return mentioned, which is hereby declared to be the King's Highway, or Public Road. And it is *Ordered* that the same be forthwith opened and cleared, according to the Courses and Distances abovesaid, and rendered commodious for Public Service.

At a Council held at Philadelphia, on Saturday the 21st of January, 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c[a].

Benjamin Chew, James Tilghman, } Esquires.

The Governor laid before the Board a Bill sent up by the House for his Concurrence, entituled "An Act for regulating, Pitching, Paving, and cleansing the Highways, Streets, Lanes, and Alleys, and for regulating, making, and amending the Water Courses and Common Sewers within the Inhabited and Settled Parts of the City of Philadelphia, for raising money to defray the Expences thereof, and for other Purposes therein mentioned," Which was read and considered, and the following Amendments being made thereto, it was ordered to be returned to the House with the same.

Amendments, Viz[t]:

"Page 3, Line 4. Dele the Name [Joseph Swift] and instead thereof insert [John Mifflin].

"Same Page.—Dele the Name [Joseph Swift] interlined between the 13th and Antepenult Lines, and Instead thereof insert the name [John Mifflin]."

"Page 20, Penult line.—After the first word [of] add the Words [the Mayor or Recorder and four of the Aldermen with]."

"Page 51, Antepenult Line.—Instead of [remomoved] say [removed]."

"Page 81, Line 6.—After the word [Recorder] insert the word [and]."

"Page 86, Line 10.—Dele the word [generally] and insert the word [greatly]."

"Page 98, Line 2d.—Dele the word [of]

At a Council held at Philadelphia, on Tuesday the 24th of January, 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c[a].

Richard Peters, Lynford Lardner, James Tilghman, William Logan, Benjamin Chew, } Esquires.

The Governor laid before the Board a Bill sent up by the Assembly for his Concurrence, entituled "An Act for appointing Regulators in the Southern parts of the Northern Liberties of the City of Philadelphia, and for other uses and purposes therein mentioned," Which was read and considered, and the following Amendments being made to it, ordered to be returned to the House with the same.

Amendments, viz[t]:

"Page 5.—Dele from the word [that,] in Line 6, to the word [the] exclusive, in Line 10."

"Same page, Line 12.—After the word [County] add the words [are hereby impowered and enjoined to appoint three Surveyors or Regulators of the said Streets, who]."

"Page 7, Line 7.—Dele the words [County Commissioners] and insert the words [Justices of the County Court of Quarter Sessions of the Peace, for the said County]."

"Same Page.—Dele the Lines 10 and 11."

The Board then reconsidered the Assay Bill, which was ordered to be returned to the Assembly, with the following Amendments.

Amendments, Viz[t]:

"Page 12, Line 6 —Dele the word [that].

"Page 13, Line 5.—Dele the words, [the end of the next sitting of Assembly;] and insert the words, [a new appointment shall be made, by Act of General Assembly of this Province."]

"Pages 18 and 19 —Dele from the word [provided] inclusive, in the 9th Line of Page 18, to the word [Master] inclusive, in the penult Line of Page 19."

"Page 26, Line 8.—After the word [Law,] add as follows, viz:"

"And be it further enacted by the Authority aforesaid, that this Act shall continue and be in force for and during the space of four years, and from thence to the End of the next sitting of Assembly, and no longer.

—

January the 25th, 1769.

The Assembly again sent up to the Governor by two members, the Bill for appointing Regulators in the Northern Liberties, with a Message "the House adhered to the Bill;" and also the Assay Bill, with an answer to the Governor's Amendments, viz$^{t.}$:

Amendment 1st. Agreed to by the House.

2d.—The House adhere to the Bill.

3d.—Agreed to by the House.

4th.—Agreed to by the House.

—

January the 27th, 1769.

The Governor retured to the Assembly, by the Secretary, the Bill for appointing Regulators in the Northern Liberties; with a Message, "that he adhered to his Amendments." The Secretary at the same Time, carried to the House the Bill for regulating, pitching, and paving the streets, &c$^{a.}$ of the City of Philadelphia, &c$^{a.}$ with the Amendments made to it on the 21st Instant.

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At a Council held at Philadelphia, on Thursday 2d February, 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Benjamin Chew, James Hamilton,
Lynford Lardner, Richard Peters, } Esquires.
James Tilghman,

The Board took into consideration the Bill entituled "A supplement to An Act entitled An Act for erecting part of the Counties of Philadelphia, Chester and Lancaster, into a separate County," which was read, and the Secretary directed to carry it down to the House, with the following Amendment, which the Council advised the Governor to make, in order to maintain his right of a share in the Nomination of Officers appointed by Law, viz$^{t.}$

"Page 5, Line 11. Dele the name [Benjamin Lightfoot] and instead thereof, insert [William Scull]."

Then was laid before the Board a Bill sent up by the Assembly for the Governor's Concurrence, entituled "An Act to Dissolve the Marriage of Curtis Grubb, of the County of Lancaster, Iron Master, with Ann, his Wife, late Ann Few, and to enable him to Marry again," which was read, and referred to a further Consideration.

The Board taking the Assay Bill again into consideration, with the Assembly's Answer to the Governor's Amendments, the Bill was ordered to be returned again to the House, with a Verbal Message that His Honour adheres to his Amendments.

Then was read a Petition from Samuel Kennedy and John Jacks, setting forth that they have greatly suffered in their persons and Estates, by the evil Treatment that they had received from Sundry riotous Persons, who, being Inhabitants of Maryland, had escaped into that Province, and avoided being brought to Justice, and praying the Governor to take the same into consideration, and grant them suitable Redress. Also several certified Copies of Indictments and Affidavits for different Offences, committed in Chester County, by divers Inhabitants of Cecil County, in Maryland, were laid before the Board and read.

The Board taking the above matters into consideration, advised the Governor to write to the Governor of Maryland on the Subject, and Transmit the several Papers to him, and request he would be pleased to give Orders to the Magistracy of that Province to issue Warrants for apprehending the Offenders complained against, and cause them to be delivered over to the Magistrates of Chester County, where the Riots and other Offences were committed, or to hold them to Sufficient securities for their several appearances at that County Court of Quarter Sessions, to answer the charges exhibited against them. A Letter was accordingly prepared, and ordered to be dispatched by the Post, and is as follows, Viz^{t}:

"PHILADELPHIA, February the 4th, 1769.

"Sir:

"By the Papers inclosed, you will find that several Riots, which I am informed were attended with very aggravating Circumstances, and other Offences have lately been committed in the County of Chester, within this Province, by People who are Inhabitants of Maryland. The Delinquents are out of the reach of our Process, and there is no way of bringing them to Justice but by your Assistance, for which I the more chearfully apply, from a persuasion of your good Disposition to promote and establish an Harmony between the two Provinces, and that you will at once see the propriety of the Application, and the Necessity there is that neighbouring Governments should concur in their Endeavors to punish the Crimes committed by the Borderers on both Sides. And I cannot doubt but you will give immediate Orders to the Magistracy of Cecil County, where, I am told, the Offenders reside, to issue Warrants

against them, and when apprehended, to cause them to be delivered to the Peace-Officers of Chester County, or to hold them to sufficient Securities to appear at that County Court, to answer the charges exhibited against them. At the same Time, I beg you will be assured that I shall always think it my Duty, as it is my Inclination, to shew the utmost Respect to any Application you may at any Time have occasion to make to me.

"I am, with great Regard, Sir,

"Your most Obedient humble Servant.

"JOHN PENN.

"To Governor SHARPE, at Annapolis."

At a Council held at Philadelphia, on Wednesday 8th February, 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}.

Benjamin Chew, James Tilghman, } Esquires.

The House of Assembly again sent up the Assay Bill to the Governor, accompanied with a Verbal Message, which was laid before the Board, and is as follows, Viz^{t}:

A Verbal Message to the Governor.

The House, desirous to agree with the Governor on a Bill of so much Importance to the public as that entituled "An Act for the preventing Frauds and Abuses in Gold and Silver Wares, made and sold in this province," have reconsidered the same, and offer to his Consideration the following Alterations, instead of his proposed amendments, relating to the new appointment of the Assay Masters, viz^{t}:

"Page 4, Lines 11 & 12. Dele the Words [his Successor or Successors].

"Page 7, lines 8 & 9. Dele the Words [their or either of their Successors].

"Pages 12 and 13. Dele from the Word [Act] exclusive, in the 9 Line of Page 12, to the Word [But] in the 6th Line of Page 13.

"Page 13, Line 7. Dele also the Words [or hereafter to be].

"Page 14, Line 1. Dele the Words [his Successors and every of them].

"Page 17, Line 9. Dele the Words [for the Time being].

"Page 25, Line 2. Dele the words [or his successor].

February 7th, 1769.

The Board taking the same into consideration, and the following Answer being drawn up at the Table, the Secretary was directed to deliver the same to the House with the Bill.

"The Governor's answer to the Verbal Message of the Assembly of the 7th Instant, proposing some Alterations to the Amendments made by the Governor to the Bill entituled 'An Act for the preventing Frauds and Abuses in Gold and Silver Wares made and sold in this Province.'

"The Governor's Amendment was intended to guard against the possibility of any Dispute which might hereafter arise on the Determination of the office of the Person to be appointed by the Justices, on the Death or removal of either of the Assay masters named in the Bill, respecting the new appointment of such Officer; and he cannot see why the House should object to the Amendment, unless they mean by the Ambiguity of the Words in the Bill, [until the end of the next sitting of Assembly], to exclude him at a future Time from any share in the nomination of the Officers, which is a Prerogative of the Crown he cannot part with, and therefore adheres to his Amendment. The Inconveniences and Confusion which would arise for want of a Power lodged somewhere in case of the Death or removal of an Officer, during the Recess of the Assembly, are so evident, that the Governor cannot accede to the proposed Alterations offered him by the House in their Verbal Message."

February the 8th, 1769.

A Bill, entituled "An Act for incorporating the Society formed for the Relief of Poor, Aged, and Infirm Masters of Ships, their Widows, and Children," sent by the Assembly for the Governor's Concurrence, was laid before the Board and read, and agreed to be detained for further Consideration.

A Bill, entituled "An Act for the Sale of a Church in the City of Philadelphia, to pay the Debts now due for building the same, and distributing the Residue of the Purchase Monies arising from such Sale among the several persons who have been obliged to advance Monies on account of the said Church," was also read, and there appearing no objection to the same, it was ordered to be returned to the Assembly, with a Message that the Governor agreed to it.

The Board resumed the Consideration of the Bill for dissolving the Marriage of Curtis Grubb, and, before they thought proper to come to any Determination thereon, the Secretary was directed to acquaint the Assembly, by a verbal message, "that the Governor desired they would furnish him with such Papers and Proofs as they had received, to support the Facts contained in the Bill."

The Governor then laid before the Board two other Bills, sent up by the Assembly for his Concurrence, entituled as follows, Viz^{t}:

"An Act for raising, by way of Lottery, the Sum of £1687, 10s, 0d, to be applied to the payment of the arrears of Debt due for erecting and finishing the German reformed Church, and the German Lutheran Church in York Town, and for the payment of the Arrears of Debt due for the erecting and finishing the German Lutheran Churches at Heidleberg and Lebanon, both of Lancaster County." And,

"An Act for raising, by way of Lottery, the Sum of £3099, 12s, 0d, for the purposes therein mentioned," both which were read, and a few small amendments being made to them, were ordered to be returned to the House with the same.

At a Council held at Philadelphia, on Friday the 10th Feb^{y} 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &^{a}.

Benjamin Chew, James Tilghman, } Esquires.

The Governor laid before the Board a Bill sent up by the Assembly, entituled "An Act to enable the managers of the Contributions for the Relief and Employment of the Poor in the City of Philadelphia, to raise the Sum of fourteen Thousand Pounds in Bills of Credit, towards discharging their Debts, and to provide a Fund for redeeming and sinking the said Bills," which was read, and the following amendment being made thereto, ordered to be returned to the House with the same:

Amendment, Viz^{t}:

Page 7. Dele from the word [with] in Line 2d, to the word [the] in Line 4, and insert the words [the greatest difficulty from].

A Committee of Assembly having yesterday laid before the Governor, agreeable to his request, such Papers and Proofs as they had in support of the Facts contained in the Bill for dissolving the Marriage of Curtis Grubb, they were laid before the Board, and the consideration of the Bill was resumed, and the following amendments were made to it and ordered to be carried to the House with the Bill.

Amendments, viz^{t}:

Page 2, Lines 8 and 9. Dele the Words [aforesaid separation and is] and insert the Words [absence of her said Husband and was].

Page 4, Line 3. Dele the word [vacated].

Same Page and pages 5, 6, and 7. Dele from the word [Time] in the Sixth Line of Page 4, to the word [and] exclusive in the fifth Line of Page 7, and instead thereof insert the Words [after the passing of this Act, (his former Marriage with the said Anne notwithstanding) to contract Matrimony with and take to Wife any other Woman during the Natural Life of the said Anne, in the same manner as he might or could do if she, the said Anne, was actually Dead, and such marriage, when had and solomnized, shall be, and is hereby declared and adjudged to be good and legal, to all intents and Purposes whatever, and the issue thereof, (if any) to be born in Lawful Wedlock, able and capable in Law to take, purchase, or inherit, by Will, Deed, or otherwise, any Estate, Real, Personal, or mixed, in the same manner as any other Person or legitimate Child, or Children, by the Laws of England, or of this Province, in any Case may or can do.]

"Page 8, Line 5. Instead of [thereafter], say [hereafter].

—

Eodem Die, P. M.

Two Members of Assembly waited on the Governor, and delivered him a Message from the House, which follows in these Words, Viz^{t}:

A Message to the Governor from the Assembly.

"May it please Your Honour:

"We have taken into our Consideration your Message acquainting us that a general Boundary Line was happily settled by Sir William Johnson, His Majesty's Superintendant of Indian Affairs, between the Indians of the Six Nations, the Delawares, and Shawanese, and His Majesty's middle Colonies. The accomplishment of a Measure so important to the British Interests in America, could not fail to give us the utmost satisfaction, as We have Reason to expect it will be the means of preserving that Harmony and Friendship between those Colonies and the Natives, which have heretofore, from various Causes, been too frequently interrupted. It is also particularly agreeable to us, to learn that the Proprietaries of this Province have purchased a large Tract of Country within that Boundary, from whence a Prospect is afforded of new and extensive Settlements, and a further Increase of Inhabitants within this Province. And as We esteem it our incumbent Duty, it shall be our constant Care to pay a strict Regard and attention to whatever Object His Majesty shall, in His Wisdom, be graciously pleased to recommend to our Consideration. Nothing, therefore, in our Power, shall be wanting which shall appear necessary and effectual to prevent future Settlements on the Lands unpurchased of the Indians, and

every other Abuse, or Act of Injustice that can reasonably create in them a Disaffection to the Colonies in General, or this Province in particular.

"Signed by Order of the House,
"JOSEPH GALLOWAY, *Speaker.*

"February the 10th, 1769."

At a Council held at Philadelphia on Monday February 13th, 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

William Logan, Lynford Lardner, } Esquires.
Benjamin Chew, James Tilghman, }

The Governor laid before the Board a paper transmitted to him by Sir Henry Moore, Governor of New York, containing an account of the Proceedings and Resolutions of a number of People belonging to the Province of Connecticut, who call themselves the Susquehanna Company, at a late Meeting held at Hartford; as also a Letter from Lewis Gordon, Esquire, dated the 7th of February, Instant, and another from Charles Stewart and John Jennings, Esquire, Sheriff of Northampton, dated Wyoming the 6th Instant, which were severally read, and are as follow, Viz^t:

Proceedings and Resolutions of the Susquehanna Company.

"WHEREAS, at a meeting of the Susquehanna Company, held at Hartford on the 18th Day of May, Anno Domini, 1763, said Company were advised that His Majesty, in his Royal Pleasure to inhibit all Entries and Settlements upon the said Lands, claimed by said Company, purchased of the Six Nations of Indians, lying on the River Susquehanna, until the state of the Case should be laid before His Majesty, and such precautions taken as might obviate any such Troubles with the Indians:

"*And Whereas,* said Company at said meeting, in pursuance of His Majesty's Order, did then Vote that no Person or Persons belonging to said Company shall enter upon or make any Settlements upon those Lands accordingly; *And Whereas,* The state of the Case, respecting those Lands, have been laid before His Majesty in Council, and in pursuance of His Majesty's Orders, such precautions have been taken in setling the Line with the Indians, and in paying and satisfying them for all the Lands lying East of the said Line, settled as aforesaid, as fully to obviate any fresh Troubles with the Indians, on account of any Claim or Settlement of the English, within the aforesaid Line. *Thereupon,* it is now voted by the said

Company to proceed and settle said Lands lying on and adjacent to said Susquehanna River, purchased from the Indians by said Company, lying within the Line settled with the Indians as aforesaid, at the late Congress at Fort Stanwix, as soon as conveniently may be. *Voted*, that forty Persons upwards of the age of twenty-one years, Proprietors in said Purchase, and approved by the Company hereafter nominated and appointed, proceed to enter upon and take possession of said Land, for, and in behalf of said Company, by the first day of February next; and that two hundred more of the age aforesaid, proceed and join said forty on the Lands aforesaid, as early in the Spring as may be, for the purpose aforesaid, not later than the first Day of May next; and that in order to encourage said forty Persons to proceed, settle, take possession of said Lands for and in behalf of said Company, that there be paid into the hands of a Committee appointed and hereafter named, to and for the Use of said forty the sum of £200, to be laid out by said Committee, in providing proper materials, sustenance and Provisions for said forty, as at the Direction of said Committee shall be thought needful and proper. And for the further encouragement of the said two hundred, who may join them in the Spring, according to the foregoing vote, it is further considered and voted to lay out five Townships of Land within the purchase of said Company, and within the Line settled with the Indians aforesaid, of five miles square each, three on the one side of the River and two of them on the other opposite side the River, adjoining and opposite to each other, only the River parting, at such place on the said River as they may think proper, each of said Townships to be five miles on the River, and to extend in equal wedth back five miles, to be and belong to the said forty, and the said two hundred persons, over and above their respective Shares and Proportions in the remainder of the general Purchase, in manner following, viz^{t}: That the said forty have their first Choice of said five Townships, which they shall chuse to be and belong to the said forty; and the other four to be and belong to the said two hundred, to be divided out to them by fifty's on a Township, as they shall think proper, reserving and appropriating three whole Rights or Shares in each Township, for the Public Use of a Gospel Minister and Schools, in each of said Towns; and also reserving for the use of said Company, and for their after disposal, all Beds, Mine, Iron Ore, and Coals, that may be within said Townships. The aforesaid Townships to be held by said forty and said two hundred, on Condition of their entering upon and take Possession, according to the above Vote; and also of their continuing thereon, holding and Improving the same, by themselves, their Heirs and Assigns, under Said Company, for the space of five Years after this Entry, as aforesaid; and that they shall not so disorderly conduct and behave themselves as shall by the Company be judged inconsistent with the Good and Interest of said Company; And that they hold not the same or any other Part of said Purchase

under pretence of any other Claim but of said Company, if the first Number approved by said Company shall fall short of forty, or of those that do proceed to join them in the spring shall fall short of two hundred. Nevertheless, those that do proceed according to the above Vote, to be entituled to their respective parts or Shares in the said five Townships, in full, as though the whole number were compleated. And, in Order that proper Persons, and such as may appear to be most Subservient to the benefit of said Company, may be orderly introduced as first settlers on said Lands, Voted that a Company be appointed in each County in this Colony, as also some meet Person or Persons in the neighboring Colonies, to admit and approve of such Persons as may offer themselves for the first settlers, according to the foregoing Vote. And, that Colonel Samuel Talcoot, Major Eleazor Talcoot, Jonathan Pettebone, and Jonathan Root, Esquires, for the County of Hartford; Daniel Lyman, Esquire, Michael Baldwin, and Captain Maycock Ward, for the County of New Haven; Samuel Ely, Esquire, Gersham Breed, and Captain Obadiah Gore, for the County of New London; Cornelius Hull, Nathan Berdseye, Benjamin Selly, for the County of Fairfield; John Smyth, Samuel Gray, Esquires, and John Jenkins, for the County of Windham; Increase Mosley, Samuel Canfield, Esquires, and Benjamin Stephens, for the County of Litchfield; William Busk and John Woodworth, for the Province of New York; Timothy Woodbridge, Esquire, for the Province of the Massachusetts Bay; Isaac Trip, Job Randal, and Ezra Dean, for the Colony of Rhode Island, be, and are hereby appointed Committee, jointly and severally, to approve and admit of the aforesaid two hundred Persons proposed as first Settlers on said Lands, in such a manner and proportion as they shall agree, so as not to exceed the number proposed; And that Isaac Trip, Benjamin Tollet, John Jenkins, William Burk, and Mr. Benjamin Shomaker, be, and they are hereby appointed a Committee to approve and admit, oversee, Superintend, manage, and order the affairs of the first forty Settlers, to raise the Monies granted to their Use, to lay out and prepare a convenient Road to Susquehanna River, for which purpose they are to receive fifty Pounds, to be laid out in preparing a Road as aforesaid, for the Benefit of the said Company, and to account with the Standing Committee of said Company therefor; And, upon any, or either of said last mentioned Committee failing to attend said Trust to which they are appointed, the place, or places, to be supplied by such other Person or Persons as shall be chosen by the major part of said forty first Settlers; And upon the arrival of the two hundred proposed to join the said forty in the Spring, they may, if they see cause, together with the said forty, by their major Vote, add to said Committee, so as to make the whole number of nine, who shall then be the Committee to oversee, ordain, and regulate the Affairs of said Settlers, and other of said Company who may join them, until further or otherwise Ordered

by said Company; which said Committee, by a Major Vote of Settlers there present, duly convened, may expel from, any Person among them who shall so disorderly conduct and behave, or shall by them be judged inconsistant with the good and Interest of said Company, and may declare the Right of such Persons in said Purchase forfeit, which shall so remain, unless said Company, at any after meetings, upon hearing Cause of Complaint, shall otherwise determine.

Passed in the Affirmative.

Voted that if any Settler or Settlers on the aforesaid Lands, in pursuance of the Vote of this Company, shall be sued or prosecuted in the Law by the proprietors of Pennsylvania, or any under them, on account of such his Settlement and Possession, that, on proper Notice being given to the standing Committee of said Company, that the Company will be at the Cost of his or their Defence in said suit.

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A Letter to the Governor from Lewis Gordon, Esquire.

"EASTON, 7th February, 1769.

"Sir:

"A few Hours ago I received a Letter by Express, from Messieurs Stewart and Jennings, now at Wyoming, intimating that they had Intelligence from the Minisinks that a large Body of New England Men were to set off from thence for Wyoming, in order to take forcible possession of those Lands, requesting my Advice how they are to conduct themselves until they shall receive your instructions on this Head. The Express is this Moment set off for John Allens, Esquires, at the Union. This Moment the Constable of the Minisinks is come down to me, on the same account, and informs there are at least between forty and fifty New England Men in his Neighbourhood, on their Journey to Wyoming, and that they have a great many friends amongst them. He is an active Man, and seems well disposed to serve the Government; wherefore, I shall (as soon as I can learn any of the New England People's names, which I expect a List of this Night,) issue a Warrant against them, to be executed by the same Constable, whom I detain on purpose, and endeavour all that lies in my Power to apprehend them, and put a stop to this dangerous scheme, a Copy of which I have taken the liberty to inclose, that, in Case there be any defect, it may speedily be rectified. I beg your Honour will excuse this scrawl, having been busy all Day, and the Bearer impatient to be gone, and believe that I am, with the greatest Respect, Sir,

"Your most Obedient, and most humble Servant,

"LEWIS GORDON.

"The Honourable John Penn, Esquire."

A Letter to the Governor from Charles Stewart and John Jennings, Esquire.

"Sir:

"By an Express from John Vancampen, we have received information that upwards of one hundred New England Men were last Saturday at Nicholas Dupue's, that they were to set off from thence this Morning for this place, with Intent to turn us out of Possession. We therefore have dispatched the Bearer to acquaint your Honour of this Motion, and receive your Orders how we are to treat them. We have wrote to Mr. Gordon to send us, with all speed, such processes as may be necessary to take them with, in Case they attempt to settle or force a Possession into any of the Houses now built, if this should happen before your Orders reach us. We have not learnt the names of any of them except William Buck, who was formerly here, with those who were killed by the Indians. Any processes that your Honour may please to send us may therefore be Blank; as to the others whose names we shall insert as soon as we know them, and have sent to John Van Campen to find out for us. At present we have only ten men here; the others are returned home after building their Houses. We still flatter ourselves this affair will end without Blows, as we have certainly weakened their party in this County by getting the Vancampens and Shoemakers to take Lands in the Manor.

"We are, Your Honour's Most Obedient Servants,

"CHARLES STEWART,
"JOHN JENNINGS.

"The Honourable JOHN PENN, Esquire.

"Wyoming, 6th February, 1769."

The Governor having already written Answers to the above mentioned Letters, the Board took into their Serious Consideration the account of the late proceedings of the Connecticut People, respecting their Design of making an immediate Settlement on the Susquehanna Lands, and were of Opinion that a Letter should be forthwith dispatched to the Governor of Connecticut, making him acquainted therewith, and requesting his Interposition in the matter, and that he would use his Influence and Endeavors to put a stop to the Evil Designs of those people, and thereby prevent the fatal Consequences that must unavoidably follow the Establishment of so illegal a Settlement. A Draught of a Letter being accordingly prepared, was read and agreed to, and ordered to be Transcribed and dispatched to the Governor of Connecticut by the post. The said Letter is as follows, viz^{t}:

"Philadelphia, 13th February, 1769.

"Sir:

"I have received certain Advice that in Consequence of Resolutions entered into by a Society of People in your Province, who

call themselves the Susquehanna Company, a number of them are set out with a Design to enter upon and settle a part of the River Susquehanna, which is within the Bounds of the Charter of this Province, and the General Boundary Settled last fall with the Indians of the Six Nations, at Fort Stanwix, and which at that Treaty was purchased of those Indians for a very large Sum of money by the Proprietaries of this Province. It is given out, too, that a greater Number are Soon to follow, and that these Adventurers have the Countenance of your Government in their very unjust and illegal Undertaking; Yet, when I consider that like attempts have been made heretefore, and how often the same wild Scheme has been disavowed by your predecessors, as will appear by the Correspondence had between the Governors of Connecticut and Pennsylvania, in the Years 1754, 1755, 1761, and 1763, upon the Subject of the Claims and pretentions of these Intruders, I cannot give Credit to this part of the Report.

"It is alledged that these imprudent People found their unjust Claim partly in the Extent of the Original Charter of Connecticut, and partly on purchases made of the Indians. But when it is considered that the Province of New York, in the hands of the Dutch, at the Time of the Connecticut Charter, lay between that Colony and Susquehanna, it cannot be conceived how that Charter can operate to affect the place which is now the subject of Contest.

"Yet, if there could possibly at first have been any Doubt of the Extent of that Charter, from the Words of it, the settlement of its Western Limits by the Commissioners appointed between the Crown and that Colony so early as the year 1664, has entirely cleared it up. Nor is any Claim which these Intruders can set up under Indian purchases, better founded than their pretentions under the Extent of the Charter. It is well known that the Indians never sell their Rights but in public Council, and it cannot be pretended that any Deeds made to the People of Connecticut were attended with that solemnity. Nay, it is notorious that at the Time these pretended purchases were made, the Indians of the Six Nations refused in public Council, at the Treaty of Albany, in the year 1754, to sell these Lands to the proprietaries of Pennsylvania, to whom alone they could sell them consistent with their prior Engagements entered into many years before, and confirmed at that Treaty, and also at the late Treaty at Fort Stanwix. These purchases were therefore, always looked upon by the Six Nations as private and fraudulent, and inconsistent with their prior Engagements to the proprietaries of Pennsylvania; and accordingly, the settlements made by the people of your Province in 1755, at Wyoming, were highly resented and complained of by the Indians, who at length proceeded to the most fatal Extremities. But if their Claims under those Deeds were not liable to these Objections, yet they were void by the Laws of this Province, made many years ago, which prohibit the making of purchases of the Indians by any

but the proprietaries. So that in whatever Light the matter is considered, it is against these rash and inconsiderate people who, by their lawless Intrusions, would again disturb the peace and Tranquility of this Government. You may well imagine, that after the proprietaries have paid so large a Consideration for this Country, so evidently within the Limits of their Charter, and have settled a Number of people upon it, which I must inform you is truly the case, this Government cannot be tame spectators of an illegal forcible possession, taken by People who have not the least Colour of Right.

"The Consequence therefore, of these deluded People's persisting in their unwarrantable Designs, must be a scene of violence and confusion, which all good Men would wish to avert, and which it is the peculiar Duty of those who are in public stations to prevent. I cannot suppose that the Government of Connecticut would encourage a procedure so unreasonable and illegal, and big with mischievous Consequences, which I would rather hope they would use the utmost of their power to prevent; and it is under this Expectation that I now apply to your Honour, requesting you to enquire into the Matter, to place it in a proper Light to the people of your Colony, and to use your power and Influence to prevent the many fatal Consequences which must flow from their pursuit of any illegal or violent Measures.

"I am sir, with great Regard,
"Your most Obedient
"humble Servant,
"JOHN PENN.

"The Hon^ble^ WILLIAM PITKIN, Esquire."

Upon this Occasion, the Board were of Opinion also, that some proper Persons at Wyoming should be cloathed with the Authority of magistrates for the preservation of the Peace, and for the better Execution of the Orders of the Government, in Case the People of Connecticut should attempt to prosecute their Scheme of Settlement, or commit any Riots or Disturbances, and two special Commissions were accordingly issued, appointing Charles Stewart and Amos Ogden, Esquires, Justices of the County Court of Quarter Sessions of the Peace for the County of Northampton.

The Governor then laid before the Board a Bill sent up by the the Assembly, entituled "An Act for raising the Sum of £16,000 for the Support of the Government of this province, and payment of the Public Debts, and other purpose therein mentioned;" which was read, and the Board were of Opinion that it would be proper to obtain from the assembly a List of the Debts which were intended to be discharged by the Bills of Credit intended to be emitted pursuant to the said Bill. The Secretary was accordingly sent to the House with a verbal message as follows, viz^t^:

"Sir:

"The Governor requests that the House will furnish him with a List of the Certificates which the Bills of Credit directed to be emitted by the Bill for raising the Sum of £16,000, &c., now under his Consideration, are intended to take up and discharge."

—

Eodem Die, P. M.

Two members of Assembly waited on the Governor, and agreeable to his Request of this morning, delivered him an Estimate or List Debts due from the Province of Pennsylvania.

At a Council held at Philadelphia, on Wednesday the 15th of February, 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c[a].

Richard Peters, Benjamin Chew, } Esquires.
James Tilghman,

The Consideration of the Bill for raising the Sum of £16,000 was resumed, and two Amendments were made to it, and ordered to be carried to the House with the Bill.

Amendments, viz[t]:

"Page 9, line 13. After the word [of] add the word [them].

"Page 16, line 9. After the word [her] add [charges and]."

Then were read two Bills sent up by the House of Assembly for the Governor's concurrence, entituled as follows, Viz[t]:

"1. An Act to enable the Commissioners therein after named, to settle the accompts of the Managers, and to sue for and recover of them, their Executors, or administrators, such Sums of Money as are now due and unpaid on account of the Lottery drawn for erecting a new School House for the High Dutch reformed Congregation, and for enabling the Vestry and Wardens of Saint James' Church, in the Borough of Lancaster, to compleat the work by them begun, and also, to enable the managers to sue for and recover money due to them for the Sale of Tickets in the said Lottery."

"An Act for a new Regulation of the allotments of Banks, Dams, Sluices, and Flood Gates, belonging to the Tinicum Company, Owners and Possessors of drained meadow Land in the Township of Ridley, in the County of Chester."

Which Bills were considered, and no Objections appearing against their passing into Laws, were ordered to be returned to the Assembly with the Governor's Assent.

The Governor then laid before the Board a Bill entituled "An Act to enable the Owners and Possessors of the Wickacoa and Moyamensing meadows, to erect a Dam across Hollander's Creek, near its Junction with Hay Creek, and for other Purposes therein mentioned," which was read, and ordered to be returned to the House with the following Amendments, Viz^{t}:

"Page 1, Line Penult. After the word [of] add the word [little].

"Page 2, Penult and antepenult Lines. Dele the Words [Hollander's Creek near its Junction with Hay Creek,] and instead thereof insert the words, [little Hollander's Creek, below the Mouth of little Hay Creek, and near the Junction of the Waters of Great Hollander's Creek and Great Hay Creek.]"

"Pages 2 and 3.—Dele the Words [and at such place and Distance] in the last Line of page 2—and the Words [from Hay Creek] in the first Line of page 3."

"Page 3, Line 9.—after the word [said] add the word [little.]"

"Page 5, Line 7.—after the word [across] add the word [little.]"

"Page 11, Line 1.—after the word [upon] add the words [the said.]"

"Page 13, Line 6.—after the word [down] add the word [little.]"

The Governor also laid before the Board a Bill sent up by the Assembly for Concurrence, entituled "An Act to enable the owners and Possessors of a certain Tract of Marsh and Meadow Land therein described, situate in the Township of Kingsess, in the County of Philadelphia, to keep the Banks, Dams and Sluices in repair, and to raise a Fund to defray the Expences thereof"—which was read and referred to further Consideration.

At a Council held at Philadelphia, on Thursday 16th February, 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}

Benjamin Chew, James Tilghman, } Esquires.

The Board resumed the Consideration of the Bill for enabling the owners of a Tract of Meadow Land in Kingsess, to keep the Banks, Dams, &c^{a}, in Repair, &c^{a}, and ordered the same to be returned to the House with two small amendments.

Two members of Assembly having yesterday again brought up to the Governor the Bill for raising the sum of £16,000, with a Message that the House adhered to the Bill; the Board took the samd into Consideration, and directed the Secretary to return the said Bill to the House with the following verbal Message, viz^{t}:

A Verbal Message from the Governor to the Assembly.

"Sir:

"The Governor returns the Bill entituled 'An Act for raising the sum of £16,000 for the support of the Government, &c^a.' and commands me to acquaint the House that he has reconsidered the two amendments he proposed to it; and as the first of them regards only propriety of Expression, and the other is of little consequence to the real merits of the Bill, he consents to wave them.

"February 16th, 1769."

Then were read and considered the three following Bills, sent up by the Assembly for the Governor's Concurrence, Vizt.:

1. "An Act to prevent persons from settling on the Lands within the Boundaries of this Province, not purchased of the Indians."

2. "An Act for ascertaining the securities to be given by the Provincial Treasurer for the Time being, for the faithful performance of his Trust."

3. "An Act to enable the Recorder of Deeds of the City and County of Philadelphia, to receive into his Custody the antient Books and Records of the Corporation of Germantown."

To all which a few inconsiderable Amendments were made, and ordered to be carried to the House with the Bills to-morrow.

A Bill entituled "An Act for the relief of James Green, Benjamin Davis, and Paul Riffet," was also laid before the Board and read, to which the following Amendments were made and the Bill ordered to be returned to the House with the same to-morrow Morning.

Amendments, Viz^t:

"Page 7, Line 6.—Dele the word [that] and insert the Words [after which]."

"Same page, Line 11.—Dele the word [that]."

"Same page, Line 12.—Dele the words [upon making such assignment as aforesaid]."

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Friday the 17th of February, A. M.

The Secretary, by the Governor's Directions, carried down to the Assembly the six Bills considered by the Council last Night, with the amendments and Verbal Message, and at the same Time returned to the House the Bill for incorporating the society for the Relief of poor, Aged and Infirm Masters of Ships, their Widows and Children, with a Message that the Governor could not agree to pass it into a Law.

Eodem die, P. M.

Two Members of Assembly waited on the Governor, and acquainted him that the House having acceded to the amendments made to the Bill returned by His Honour this morning, and being inclined to adjourn to-morrow, requested the Governor to appoint two Members of Council to join two Members of Assembly to compare the Bills which had been agreed to, with their engrossed Copies; and his Honour appointed one Member of Council and the Secretary for that purpose.

Council Chamber, Saturday the 18th February, 12 O'Clock.

The several engrossed Bills being compared with their Originals and found to agree, The Governor sent the Secretary with a Message to the House requiring their attendance, that he might pass the Bills which had received his Assent.

The whole House attending accordingly, the Speaker presented to the Governor the following Bills, which he was pleased to enact into Laws, and issued a Warrant for affixing the Great Seal thereto, and appointed a member of Council and the Secretary to accompany two members of the House to see them Deposited in the Rolls Office, Viz^{t}:

1st. "An Act for regulating, pitching, paving, and cleansing the High Ways, Streets, Lanes, and Alleys, and for regulating, making, and amending the Water Courses and Common Sewers within the inhabited and settled parts of the City of Philadelphia, for raising money to defray the Expences thereof, and for other purposes therein mentioned."

2d. "An Act for raising, by way of Lottery, the Sum of £1687, 10, 0, to be applied to the payment of the arrears of Debt due for erecting and finishing the German reformed Church at York Town, and for the payment of the arrears of Debt due for the erecting and finishing the German Lutheran Churches at Heidleberg and Lebanon, both of Lancaster County."

3d. "Act Act for the Sale of a Church in the City of Philadelphia, to pay the Debts now due for building the same, and distributing the residue of the purchase monies arising from such Sale, among the several persons who have been obliged to advance monies on account of the Said Church."

4th. "A Supplement to an act entituled 'An Act for erecting part of the Counties of Philadelphia, Chester, and Lancaster, into a Separate County.'"

5. "An Act to enable the Commissioners therein named, to settle the Accompts of the Manargers, and to sue for and recover of them, their Executors or Administrators, such Sums of money as

are now due and unpaid, on account of the Lottery set up and drawn for erecting a new School house for the High Dutch reformed Congregation, and for enabling the Vestry and Wardens of Saint James's Church, in the Borough of Lancaster, to complete the work by them begun; and also to enable the Managers to sue for and recover money due to them for the Sale of Tickets in the said Lottery."

6. "An Act for raising, by way of Lottery, the Sum of £3099.-12.0, for the use of the first and third Presbyterian Churches, and the Second Presbyterian Church, in the City of Philadelphia, and of the German reformed Church in the Township of Worcester."

7. "An Act to enable the Managers of the Contributions to the Relief and Employment of the Poor in the City of Philadelphia, to raise the Sum of £14,000 in Bills of Credit, towards discharging their Debts, and to provide a Fund for redeeming and sinking the said Bills."

8. "An Act to enable the Owners and possessors of a certain Tract of Marsh and Meadow Land therein described, Situate in the Township of Kingsess, in the County of Philadelphia, to keep the Banks, Dams, Sluices, and Flood Gates in Repair, and to raise a Fund to defray the Expences thereof"

9. "An Act to enable the Owners and Possessors of the Wicacoa and Moyamensing meadows to erect a Dam across Hollander's Creek, near its Junction with Hay Creek, and for other Purposes therein mentioned."

10. "An Act for raising the Sum of £16,000 for the Support of the Government of this Province, and payment of the Public Debts, and for other Purposes therein mentioned."

11. "An Act for a new Regulation of the Allotments of Banks, Dams, Sluices, and Flood Gates, belonging to the Tinicum Company, Owners and Possessors of drained Meadow Land in the Township of Ridley in the County of Chester."

12. "An Act to enable the Recorder of Deeds for the City and County of Philadelphia to receive into his Custody the antient Books and Records of the Corporation of Germantown."

13. "An Act for the relief of James Green, Benjamin Davis, and Paul Riffet, languishing Prisoners in the Goal of Philadelphia, with respect to the Imprisonment of their Persons."

14. "An Act for ascertaining the security to be given by the Provincial Treasurer for the Time being, for the faithful performance of his Trust."

15. "An Act to prevent Persons from settling on Lands within the Boundaries of this Province, not purchased of the Indians."

16. "An Act to dissolve the Marriage of Curtis Grubb, of the county of Lancaster, Iron Master, with Ann his Wife, (late Ann Few), and to enable him to marry again."

The Speaker then, in behalf of the House, delivered to the Governor a Certificate for £500 towards his Support for the present Year, for which his Honour thanked them.

At a Council held at Philadelphia on Thursday the 4th May, 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

Richard Peters, James Tilghman, } Esquires.

The Governor laid before the Board a Letter he received by Express from John Vining, Esquire, dated the 30th Ultimo, acquainting him of a vacancy in the Supreme Court Commission, and the Court of Oyer and Terminer and General Goal Delivery for the Government of the Lower Counties, occasioned by the Deaths of Jacob Vanbebber and John Clowes, Esquires, late two of the Justices of the said Courts, and of the Necessity of speedily appointing some fit person to the Office of one of the Judges of Oyer and Terminer, in Order to attend the said Court at Dover, the 8th Instant, and Mr. Vining having recommended Cæsar Rodney, Esquire, and several other Gentlemen, as fit Persons to fill the said office, His Honour, with the Advice of the Board, was pleased to issue two Commissions, appointing Richard McWilliam, Esquire, to the Office of second Judge, and Cæsar Rodney, Esquire, to the Office of third Judge of the Supreme Court, and one other commission appointing John Vining, Richard McWilliam, and Cæsar Rodney, Esquires, to the Office of Judges of the Court of Oyer and Terminer.

His Honour deferred the appointing a fourth Judge till he meets the Assembly at New Castle, at their next Session in June.

At a Council held at Philadelphia, on Monday May the 15th, 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

Richard Peters, James Tilghman, Benjamin Chew, } Esquires.

The Governor laid before the Board a Letter he lately received from His Excellency Major General Gage, dated the 24th of March last, which was read, and is as follows, viz^t:

A Letter to the Governor from his Excellency Major General Gage.

"New York, March 24th, 1769.

"Sir:

"His Majesty having thought proper to take the Management of the Trade with the Indian Nations out of the Hands of His

Superintendants of Indian Affairs, and to leave the Management thereof to the Provinces concerned in said Trade, Sir William Johnson finds himself under the Necessity of discharging immediately the Commissaries, Interpreters, and Smiths appointed by him in the Posts and Forts in the interior Country.

"I take the Liberty to acquaint you of this Event, and hope you will be able, without Delay, to appoint Officers to succeed those dismissed by Sir William Johnson, that the Trade may not suffer through the Want of proper Persons to superintend it. Sir William Johnson can give the best Advice concerning the Instructions that should be given to said Officers, as well as concerning the Laws and Regulations necessary to be made for the better carrying on the Trade. I am only to desire to be informed when you shall have settled those Points, in what Shape I can be of use, that I may send Orders accordingly to the Commanders of the several Posts and Forts in the Indian Country to co-operate with your Officers, and give them Assistance in the Execution of their Instructions, whenever their Aid shall be required.

"If the Provinces will appoint Officers to superintend the Trade in such parts of the Indian Country where they appear from their Situations to enjoy the chief Benefit of the Trade, Pennsylvania will appoint at Fort Pitt and the Illinois, New York at Niagara and the Detroit, and Quebec at Misilimakanak; though the Province of Quebec would have only one Post to Superintend, yet the very great Concourse of Indians every Year at Misilimakanak, will make it much more expensive than any of the rest.

"I have the Honour to be with great Regard, Sir,

"Your most Obedient humble Servant,

"THOMAS GAGE."

The Matter contained in the above mentioned Letter being duly considered, the Board were of Opinion that the same should be recommended to the Assembly by a Message, and the Letter laid before the House. A Message was accordingly drawn and approved, and ordered to be carried with the Letter to the House to Morrow The said Message is as follows, viz^{t}:

A Message from the Governor to the Assembly.

"Gentlemen:

"You will perceive by a Letter I have received from General Gage, which I have ordered the Secretary to lay before you, that Sir William Johnson, in Obedience to His Majesty's Commands, is under a Necessity of discharging the Commissaries, Interpreters, and Smiths, appointed by him at the Posts in the Interior Country, where the Indian Trade is carried on, and that the General expects I shall be able, without Delay, to appoint Officers to succeed those at Fort Pitt and the Illinois. This, Gentlemen, cannot be done until

Provision is made for adequate Salaries for those Officers; And as the Regulation of the Indian Trade is a Matter of public Concern, I doubt not but you will make the necessary Provisions for enabling me to answer the above Requisition.

"JOHN PENN.

"May the 16th, 1769."

Mr. Adam Hoops, of Bucks County, having been recommended as a proper Person to execute the Office of a Magistrate, The Governor, by the Advice of the Council, directed that a Commission be forthwith made out, appointing him a Justice of the Court of Quarter Sessions of the Peace and of the County Court of Common Pleas for the said County of Bucks.

At a Council held at Philadelphia on Tuesday the 16th of May, 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c.

Benjamin Chew, James Tilghman, } Esquires.

The Governor laid before the Board the following Letter which he received by Express from Charles Stewart, Esquire, dated the 12th Instant.

A Letter to the Governor from Charles Stewart, Esquire.

"Sir:

"This Afternoon about three o'Clock, one hundred and forty-six New England Men, and others, chiefly on Horseback, passed by our Houses, and are now encamped on the East Side of the River. Among them is Benj^a Shoemaker and John McDowell, with several of their Neighbours. I spoke to McDowell, who informs me that at least as many more are on their Way, and will be here to-Morrow. And I have other intelligence that they will in a few days be five hundred strong. If this be true, We can only Act defensively until reinforced. At present we are but Twenty-four Men.

"On my way up the River from Shamokin, on Wednesday Evening last, I was hailed by a Man at the Mouth of Fishing Creek, named James McClure, who told me He and four others, then at a Fire hard by, was an advanced Party of one hundred, going to join the New England Men, and that they would chiefly be from Lancaster County; that he would be at Wyoming as soon as Us, but he is not yet come.

From the View I had of those Gentry in their procession by our Houses, they appear to be at least an equal number of them of the very lowest Class, but are almost all armed and fit for Mischief.

"I am of Opinion, unless a Party of His Majesty's Forces are sent up to remove them, it will be difficult for the Sheriff to raise men enough in Northampton County to effect it, and every Day will add to their Strength, and give them more Spirits to persevere in Mischief.

On conversing with Captain Hunter, Doctor Plunket, and others, at Shamokin, they declared their willingness to come here if wanted, and bring a Party to assist us. Your Honour will consider whether this will be of Service. I think it would as least put a stop to the People coming from Lancaster County, &c^a^, to join the Yankys, and prevent their getting to the West Branch, which is their design as soon as they can establish a Possession here.

"I have enclosed a List of the Names of as many of them as I could possibly collect in so short a Time, those that are marked thus x are of the former Party. I shall be glad of Your Honour's speedy Instructions, and hope to be able to hold out until reinforced. I have wrote Messieurs Jennings and Gordon how we are circumstanced, but fancy Mr. Gordon is abroad at present, as he intended a Journey about this Time.

"I am Your Honour's most obedient,
"humble Servant,
"CHARLES STEWART,

"The Honourable JOHN PENN, Esquire.

"Manor of Stoke, Friday May 12th, 1769."

The names following are those referred to in the above Letter:

Benj^a^ Shoemaker,
John McDowell,
Sam^l^ Weyburn,
John Lee,
Stephen Lee,
Joseph Lee,
Daniel Hains,
John McDowell, Jun^r^,
Benj^a^ Shoemaker, Jun^r^,
Ashur Harrod,
William Leonard,
John Leonard,
Elijah Halloway,
Thomas Bennet, x
Sam^l^ Marvin,
Marvin,
Rhuben Halburt,
Benj^a^ Follet, x
Comstack, x
Sam^l^ Clark,
John Gardner,
John Delong,
John Smith, Esq^r^ & his
Two Sons,—Smith &
Smith,
Joseph Moss,
Azariah Dean,
John Wheet,
John Wharburt,
Jacob Welch,
Jabez Cook,
Ebenezer Nuttrip,
Chambers,
Gore,
Badcock,
Wright.

The foregoing Letter being duly considered, the Governor, with the advice of the Board, thought proper to issue a Proclamation,

forbidding all Persons whatsoever seating themselves on any Lands within this Province without the Express Permission of the Proprietaries of this Government, and commanding all those who have illegally taken possession of any Lands, and without permission as aforesaid, immediately to evacuate their Settlements without Delay.

A Letter was also drawn up at the Board, read and approved, which was ordered to be Transcribed and sent to John Jennings, Esquire, Sheriff of Northampton County, with a Copy of the Proclamation (under the Great Seal), by the return of the Express. Another Letter was also drawn up at the same Time, which, being read and approved, was ordered to be copied and sent to Charles Stewart, Esquire, by the same Conveyance; and a third Letter was prepared and dispatched by another Express to Colonel Francis, at the Forks of the Susquehanna. The said Letters and Proclamation follow in these Words, Viz^{t}:

A Letter from the Governor to John Jennings, Esquire.

"PHILADELPHIA, May 16th, 1769.

"Sir:

"I suppose Mr. Stewart has wrote you the bad State of our Affairs at Wyoming. You will receive herewith a Proclamation, with which I desire you will immediately proceed to Wyoming, with a few reputable people to accompany you, and there publish it to the Connecticut People, in a peaceable and quiet manner. If they should carry the Matter so far as to attempt removing our People by Force, their numbers, I am afraid, are too great to resist, and that they will be obliged to give way for the present, rather than run the hazard of shedding Blood without a probability of Success. I desire you will reduce all you know of the proceedings in the Affair from the begining to an affidavit, in drawing up which, I desire Mr. Stewart may assist, and you may make it before him. This will be necessary to send to England in order to institute a proceeding there against these rash intruders, and to lay before General Gage. I would have you and Mr. Stewart endeavour to penetrate as far as you can into their designs, how far they pretend a Right to the Southward, and what their Intentions are as to the West Branch, and that you will get as many of their Names as you can, especially of the Leaders, or most active amongst them.

"I am, with Regard,

"Your very humble Servant,

"JOHN PENN.

"To JOHN JENNINGS, Esquire, Sheriff of Northampton County."

A Letter from the Governor to Charles Stewart, Esquire.

"PHILADELPHIA, May the 16th, 1769.

"Sir:

"I received yours of the 12th Instant by Express, and am sorry to hear those rash and inconsiderate people of New England still persist in their design of settling on the Susquehanna, and that their Numbers are such as nothing less than a Military Force can remove; As to any attempts to remove them immediately by Civil Authority, it seems impracticable, and I would not have you attempt it. The most you can do for the present is to keep your Possessions as well as you can. I have wrote to the Sheriff of Northampton to proceed to Wyoming, and there publish a Proclamation, and give any assistance he can in keeping our possessions. I have also wrote to Colonel Francis, and the Officers on the Susquehanna, to give you their Aid, if necessary, to secure your Settlements, and to be ready at Shamokin, or thereabouts, in order to receive any intelligence you may give them. If you think there is any probability that they can be of any Service, You will write to them on the Occasion.

"At the same Time that I approve of your intentions of holding your Possessions, by all lawful and prudent Measures, I would not have you attempt impossibilities, or expose your persons in resisting even a lawless Superior Force, who may be mad and wicked enough to remove you at all events. This is all which at present appears necessary to say to you, but I shall apply to the Proprietaries for Orders from home, and to General Gage, for any assistance it is in his power to give us, and shall inform you what further steps I shall take with these people, as soon as I shall resolve upon them.

"I am, with regard,

"Your very humble Servant,

"JOHN PENN.

"To CHARLES STEWART, Esquire.

"P S. Pray assist Mr. Jennings in drawing the affidavit I have instructed him to make."

—

A Letter from the Governor to Colonel Francis.

"PHILADELPHIA, May 26th, 1769.

"Sir:

"By Express from Wyoming, dated the 12th Instant, I have an account that 146 New-Englanders had that afternoon passed by the Settlement there, and encamped on the East Side the River, a little below, that as many more were expected there the next Day, and that it was thought they would soon be five hundred strong. The

account further informs that they expected to be joined by an hundred people, from the lower parts of the Susquehanna, chiefly from Lancaster, and that they were meditating a Settlement on the West Branch I doubt not, but your own Interest, as well as that of the Proprietaries, will excite you and your Corps to give any assistance in your Power to our People at Wyoming, as well as to prevent, if possible, any of our People from joining them.

"I would have you explain in the best manner you can, the folly as well as injustice of the proceeding, which, however it may succeed for a little Time, must at last be submitted to the laws of the Country, which will sooner or later be enforced, either by Civil or Military authority. Besides, it seems scandalous in the People of the Country who have long experienced the indulgance of the Proprietaries, to join a parcel of Robbers, who are come to seize upon their Lands by violence.

"The Numbers of the Rioters are such, that it is in vain to think of removing them at present, for anything I can see. A force necessary for this purpose, would be too great an Expense to the proprietaries, if it could be raised. All that can at present be done is to attempt keeping the possessions we have got. In this respect, you and your Associates, with such as you may influence to accompany you, may be of service, and I have wrote to Mr. Stewart, that if there is any probability of retaining the possessions by the Assistance of the officers and their People, who will be at or about Shamokin, to write to them on the Occasion; and this he will the more readily do, as when lately at Shamokin, Captains Hunter, Plunket, and others, promised him to give any assistance in their power when called upon. What I write to you in General is to the other officers also. If your Health is such as that you can safely venture a Journey, I should be glad you could go yourself to Wyoming, if it appears expedient when you are at Shamokin, from which place you may write to Mr. Stewart to know if you can possibly be of any service to him.

"Whatever services you or your Associates can render the Government on this occasion, will be properly considered by the Proprietaries, as well as by,

"Sir,

"Your most Obedient,

"humble Servant,

"JOHN PENN.

"Colonel TURBUTT FRANCIS."

Here follows the Proclamation:

"*By the Honourable JOHN PENN, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, and Sussex, upon Delaware:*

"A PROCLAMATION.

"WHEREAS, a Number of persons, chiefly belonging to the Colony of Connecticut, have lately, as well as at different Times heretofore, without any Licence or Grant from the Honourable the Proprietaries of this Province, or Authority from this Government, made attempts to possess themselves of and settle upon a large Tract of Land within the Limits of this Province, lying at and between Wyoming, on the River Susquehanna, and Cushietunk, on the River Delaware; and by the intelligence I have this Day received, a large Number of the Inhabitants of the said Colony, in defiance of all Law and Justice, are, at this Time, with Force and Arms, actually possessing themselves of and seating the Lands at and near Wyoming, and other parts of the North East Branch of Susquehanna, which have lately been purchased of the Indians by the Proprietaries of this Province; *And Whereas*, divers people belonging to the said Colony, have also, at different Times, endeavoured to persuade and inveigle many of the Inhabitants of this and the Neighbouring Provinces, to confederate and join with them in such their illegal Designs, and to assist in settling and holding the said Lands by a strong Hand: Wherefore, as well to assert the just Rights of the Proprietaries of this Province to the said Lands, as to warn and prevent any of the Inhabitants of this Government from being unwarily drawn in to join the said Intruders in prosecuting their illegal settlements, I have judged it proper, by and with the Advice of the Council, to issue this Proclamation, hereby strictly enjoining and requiring, in His Majesty's Name, all and every Person and Persons already settled or residing on the said Lands, without the Licence of the Proprietaries or Authority from this Government, immediately to evacuate their Settlements, and to depart and remove themselves off and from the said Lands without Delay; And I do hereby forbid all His Majesty's Subjects of this or any other Province or Colony, on any pretence whatsoever, to intrude upon, settle, or possess any of the aforesaid Lands, or any other Lands within the Limits of this Province, without the express permission of the Proprietaries or this Government, as they will answer the Contrary at their Peril, and on Pain of being Prosecuted with the utmost Rigour of the Law. And I do hereby also strictly charge, enjoin, and require all Magistrates, Sheriffs, and other Officers, as well as all other His Majesty's liege Subjects within this Province, to exert themselves and

use their utmost Endeavours to Prosecute and bring to Justice all Offenders in the Premises.

"Given under my Hand and the Great Seal of the said Province, at Philadelphia, the sixteenth Day of May, in the ninth Year of His Majesty's Reign, and in the Year of Our Lord One Thousand seven hundred and sixty-nine.

"JOHN PENN."

"By His Honour's Command.

"JOSEPH SHIPPEN, Junior, Secretary.

"GOD SAVE THE KING."

At a Council held at Philadelphia, on Friday the 19th of May, 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

William Logan, Benjamin Chew, } Esquires.
Richard Peters, James Tilghman, }

Two Members of Assembly waited on the Governor and presented him for Concurrence a Bill entituled "An Act for striking 'the Sum of one hundred and twenty thousand Pounds in Bills of Credit, to be emitted on Loan, and providing a Circulating Medium of Commerce and Industry within this Province,'" which was read and referred to further Consideration.

At a Council held at Philadelphia, on Monday the 22d of May, 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

The Board resumed the Consideration of the Bill for striking the Sum of £120,000 in Bills of Credit, to be emitted on Loan, and the following Amendments were made to it, and ordered to be carried to the House with the Bill:

"Page 1. Dele the Words [and Twenty] in the Title of the Bill.

"Page 4, Line 1. Dele the Words [and Twenty].

"Same Page, Lines 5 & 6. Dele the Names [Rowland Evans, Joseph Watson, Isaac Pearson, and Jacob Carpenter], and in their stead insert the Names of [Amos Strettell, Mahlon Kirkbride, Joseph Gibbons, and James Wright].

"Page 5, Lines 4, 5, 6, 7. Dele the Words [This Bill shall be accepted by the Trustees of the General Loan Office in all Debts and

Demands due to the Province for the Sum of ———], and instead thereof insert as follows, Viz^{t}: [This Indented Bill of ———, when paid to the Trustees of the General Loan Office, shall be a discharge on any Mortgage made to the said Trustees of the like sum of ———].

"Same Page, Line 12.—Dele the words [first Day of August] and insert the Words [tenth Day of October]."

"Page 6, Line 7.—Instead of the Word [eleven] insert [seven]."

"Page 12.—Dele from the Word [Trustees] in the sixth Line, to the Word [in] in Line 10, and instead thereof insert as follows, Viz^{t}: [herein before appointed, or hereafter to be appointed, during the Continuance of this act, another fit person or persons shall be Nominated and appointed by the Governor and Assembly of this Province, and not otherwise]."

"Page 14, Line 10.—Instead of the Word [six] insert the Word [eight]."

"Page 16, Line 1.—Dele the Words [and Twenty]."

"Same page, Line 5. Instead of the Words [first Day of August], insert the Words [tenth Day of October]."

"Page 17, Line 4. After the Word [well, add the Word [as]."

"Page 18, Line 12. Instead of the Words [first Day of August], insert the Words [tenth Day of October]."

"Page 19, Line 1. Dele the Words [and Twenty]."

"Same page, Line 6. Instead of the Word [Eighty], insert the Word [Sixty]."

"Page 20, Line 4. Instead of the Words [first Day of August], insert the Words [tenth Day of October]."

"Page 22, Lines 6 and 7. Instead of the Words [first Day of August], insert the Words [tenth Day of October]."

"Same page, penult and last Lines. Instead of the Words [first Day of August], insert the words [tenth Day of October]."

"Page 23, Line 7. Dele the Words [and Twenty]."

"Page 29, Line 11. Dele the first Word [to]."

"Page 31, Line 11. After the Word [the], insert the Words [Governor and]."

"Page 32, Line 3. Instead of [remitting], say [re-emitting.]"

"Same page, Lines 4 and 5. Instead of the Words [first Day of August], insert the Words [tenth Day of October]."

"Page 33, Line 10. After the Word [the], insert the Words [Governor and]."

"Same page, Line 11. After the Word [appoint], insert the Words [and not otherwise]."

"Page 34, Line 4. Instead of the Words [first Day of August], insert the Words [tenth Day of October]."

"Page 38, Lines 8, 9. After the Word [Practice], insert the following Clause, Viz^{t}: [Provided nevertheless, and it is hereby declared, that nothing in this Act contained shall extend or be con-

strued to make the Bills of Credit hereby directed to be emitted, a legal Tender in Payment of any Bargains, Contracts, Debts, Dues, or Demands whatsoever]."

"Same Page. Antepenult Line. Dele the Words [made current], and insert the Words [directed to be emitted]."

—

May 23rd, 1769.

Eight Members of Assembly waited on the Governor, and acquainted him that Mr. Galloway, their Speaker, was at present so much indisposed as that he could not give his Attendance on the public Business, and that, therefore, the House had proceeded to the choice of another Speaker, and requested to know when the Members should wait on the Governor to present him. His Honour made Answer that he should be ready for that purpose at 11 o'Clock to-morrow Morning, in the Council Chamber.

Council Chamber, Tuesday, 11 o'Clock, A. M., 23rd of May.

The Governor sent a Message by the Secretary to the Assembly, acquainting them that he attended his appointment in the Council Chamber, and was ready to receive the House with their Speaker. The whole House immediately waited on the Governor, and presented Joseph Fox, Esquire, of whom His Honour was pleased to approve.

The Speaker then, addressing himself to the Governor, said, as his predecessor had already claimed the usual priviledges in behalf of the present Assembly, it was unnecessary for him to renew that Claim, but that with regard to himself, as Speaker, he requested that his own unwilling Mistakes might not be imputed to the House, in which the Governor acquiesced.

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Wednesday the 24th of May, 1769.

Two Members of Assembly again presented the Bill for striking the Sum of one hundred and twenty thousand pounds in Bills of Credit, to be emitted on Loan, &c^a^ with an Answer to the Governor's Amendments to the same, which is as follows, Viz^t^:

"Amend^t^ 1. The House adhere to the Bill."

"2. The House adhere to the Bill."

"3. The House agree to expunge the Names [Rowland Evans, Joseph Watson, Isaac Pearson, & Jacob Carpenter] and propose to

insert the following, Viz^{t}: John Roberts, (Miller), Thomas Watson, James Gibbons, and William Henry, of Lancaster."

"4. Agreed to by the House."

"5, 6, 7, 8, 9, & 10. The House adhere to the Bill."

"11. Agreed to by the House."

"12, 13, 14, 15, 16, 17, 18. The House adhere to the Bill."

"19. Agreed to by the House."

"20. The House adhere to the Bill."

"21. Agreed to by the House."

"22, 23, 24, 25, 26. The House adhere to the Bill."

"27. Agreed to by the House."

"May 24th, 1769."

At a Council held at Philadelphia on Thursday 25th May, 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}.

Richard Peters, Benjamin Chew, James Tilghman, Lynford Lardner, } Esquires.

The Governor laid before the Board a written Message, sent up yesterday by the House of Assembly, which follows in these Words, Viz^{t}:

A Message to the Governor from the Assembly.

"May it Please your Honour:

"We have considered your Message of the sixteenth Instant, and the Letter from His Excellency General Gage therewith, laid before Us, and are cheerfully disposed to give the utmost Attention to maintaining and preserving the Peace and Friendship now happily re-established with the Indians, and where our Laws for regulating the Trade with them appear to be deficient, to alter and amend them; but as our attempting to extend the Laws of this Province beyond the Limits thereof, would be vain and ineffectual to regulate and restrain the Traders from the adjacent Colonies, We conceive it is not in our Power to apply a Remedy adequate to the Occasion.

"When Sir William Johnson communicates to your Honour, as intimated by General Gage, his Sentiments and advice concerning this Business, and points out the Insufficiency of the Laws of this Province now in Force for the Purpose, We shall be better enabled to join with your Honour in the further Consideration thereof.

"Signed by order of the House.

"JOSEPH FOX, *Speaker.*

"May 24th, 1769."

Then the Board took into Consideration the Assembly's answer to the Governor's amendments to the Bill for striking £120,000 to be emitted on Loan, and the following Reply being drawn up and agreed to, the Secretary was directed to carry the same to the House with the Bill.

Reply to the Assembly's answer to the Governor's amendments to the Bill entituled An Act for striking the sum of £120,000 in Bills of Credit, &c^a.

"Amend^t. 1. The Governor adheres to his amendment."

"2. The Governor adheres to his amendment."

"3. Though the Governor conceives that it is unparliamentary for the House in their answer to this amendment, to propose other persons as Trustees than those mentioned in the Bill and the amendment, yet he will on this occasion wave Forms and agree with the House to insert the Names of Thomas Watson, of Bucks County, and William Henry, of Lancaster, instead of Mahlon Kirkbride, and James Wright, but adheres to the other part of his third amendment."

"5. The Governor waves his amendment."

"6. 7. The Governor adheres to his amendments."

"8. The Governor waves his amendment."

"9. The Governor adheres to his amendment."

"10, 12. The Governor waves his amendment."

"13, 14. The Governor adheres to his amendments."

"15, 16, 17. The Governor waves his amendments."

"18, 20. The Governor adheres to his amendments."

"22. The Governor waves his amendment."

"23, 24. The Governor adheres to his amendments."

"25. The Governor waves his amendment."

"26. The Governor adheres to his amendment."

"May 25th, 1769."

The Governor then laid before the Board the three following Bills sent up by the Assembly for his Concurrence, viz^t:

1. "An Act for explaining and amending an Act entituled 'An Act for granting the sum of £60,000 to the King's use, and for striking £55,000 thereof in Bills of Credit, and to provide a Fund for sinking the same.'"

2. "An Act to continue An Act entituled 'An Act for appointing Wardens for the Port of Philadelphia, and for the regulating Pilots plying in the River and Bay of Delaware, and price of Pilotage to and from the said Port;'" and

3. "An Act to continue An Act entituled 'An Act to amend An Act entituled 'An Act for the better Employment, Relief and support of the poor within the City of Philadelphia, the District of Southwark, the Townships of Moyamensing and Passyunk and the Northern Liberties.'"

Which Bills being duly considered, the two last were approved and ordered to be returned to the Assembly with the Governor's assent, and the following amendments were made to the first mentioned Bill and ordered to be carried with the Bill to the House.

Amendments to the Bill entituled "An Act for explaining and amending An Act entituled 'An Act for granting the Sum of Sixty Thousand Pounds to the King's Use, &c^a.'"

"Page 4, Line 3. After the word [that] insert the words [as to]."

"Same page, Line 6. Dele the words [and the owners thereof] and in their stead insert the words [the owners whereof]."

"Same page, Line 8. Dele the first or second word [the]."

"Page 7, Line 4. Dele the Words [to all intents and purposes whatsoever] and insert the Words [against the Persons only, for whose Delinquencies such Sales have been made, their Heirs and Assigns, and all claiming under them]."

At a Council held at Philadelphia on Friday the 26th of May, 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

Richard Peters, Benjamin Chew, } Esquires.
James Tilghman, }

The House having last Night again sent up by two Members the Bill for striking £120,000, to be emitted on Loan, with a verbal Message, and several Alterations of the Bill, instead of some of the Amendments proposed by the Governor, His Honour laid them before the Board, and they are as follow, Viz^t:

A Verbal Message to the Governor from the Assembly.

"The House, desirous to agree with the Governor on a Bill of so much Importance to their Constituents as that entituled "An Act for striking the Sum of £120,000 in Bills of Credit, to be emitted on Loan,' &c^a. have reconsidered the same, with his amendments thereto, and now beg leave to offer to his Consideration such Corrections and Alterations of the said Bill as are herewith sent up, instead of some of his proposed Amendments.

"May 25th, 1769.

An Answer to the Governor's Reply to the Assembly's Answer to his Amendments to the Bill entituled "An Act for striking the Sum of one hundred and twenty Thousand Pounds in Bills of Credit, to be emitted on Loan," &c^a.

"Amend^{ts}

1. "Agreed to by the House, on the Condition expressed in their Answer to the 14th Amendment."

2. "Agreed to by the House."

3. "The House agree to insert the Name of John Evans, of North Wales, in the Room of John Roberts, and in respect to the other Trustees, adhere to their last Choice."

6. "Agreed to by the House."

7. "The House adhere to the Bill."

9. "Agreed to by the House."

13. "Agreed to by the House."

14. "Agreed to by the House, provided the Governor consents to divide the whole Sum among the several Counties, in the Proportions following, viz.:

"£71,700 to the Inhabitants of the City and County of Philadelphia, and the Counties of Bucks, Chester and Lancaster.

"£6,650 to the Inhabitants of the County of York.

"£7,500 to the Inhabitants of the County of Cumberland.

"£7,500 to the Inhabitants of the County of Berks, and

"£6,650 to the Inhabitants of the County of Northampton.

"18th. Agreed to by the House.

"20th The House adhere to the Bill.

"23, 24. The House adhere to the Bill.

"26, The House adhere to the Bill.

"May 25th, 1769."

The Council took the above Message and Answer from the Assembly into Consideration, and observing that they still insisted on the sole Nomination of the Trustees of the Loan Office, and Disposition of the Interest Money, were of Opinion that the Governor ought to maintain his Right to a Share at least of the Exercise of those Powers, as being the undoubted prerogatives of the Crown, and therefore advised the Governor to return the Bill to the House, with a Message signifying his Reasons for refusing his assent thereto.

The following Message was accordingly drawn up and approved, and sent to the House with the Bill.

A Message from the Governor to the Assembly.

"Gentlemen:

"I find by your verbal Message of Yesterday sent up to me, with your Answer to my reply, respecting the Bill entituled "An Act for striking the Sum of £120,000 in Bills of Credit, to be emitted on Loan," &c^{a}, that the only material Points in which we disagree are the Disposition of the Interest Money, and the appointment of the Trustees of the General Loan Office. All I contend for is, that the Governor, who is the King's Representative here, shall have a

share with the Representatives of the People in the Exercise of both these Powers. But You insist on reserving to yourselves the sole and exclusive Right of nominating all the Trustees, and of applying the whole Interest Money. I offer to divide with you those Rights, which, by the English Constitution, are allowed to be the undoubted Prerogatives of the Crown; but you are not to be satisfied without assuming the whole. To save Time, Gentlemen, I must tell you in a few Words, that your Claims appear to me so unreasonable that I cannot accede to them. At the same Time I cannot help expressing my Concern, that a Bill which you agree to be of so much Importance to the Country, should miscarry by your insisting that the Assembly should be invested with Powers which I cannot allow consistent with my Duty to the Crown.

"JOHN PENN."

"May 26th, 1769."

The Governor laid before the Board a Bill entituled "An Act to enable John Cottringer and Joseph Cauffman to hold Lands in this Province," which was sent to him by the Assembly for his Concurrence, during their sitting in February last, and retained under his Consideration.

The Board having considered that the Persons mentioned in the Bill are Roman Catholicks, and being of Opinion that any Act for Naturalizing such Persons so as to enable them to hold Lands, would be repugnant to an Act of Parliament passed in the entituled "An Act ," advised the Governor to refuse his Assent to the said Bill, and the Secretary was directed to carry it back to the Assembly, with a Message that he cannot agree to it.

The Governor laid before the Board a Transcript of a Record of the Conviction of John Thompson, for burglary, by which it appeared that at a Court of Oyer and Terminer and General Goal Delivery, held at Philadelphia for the County of Philadelphia, on the tenth Day of April last, before William Allen, John Lawrence, and Thomas Willing, Esquires, Justices of the Supreme Court of Pennsylvania, and of the said Court of Oyer and Terminer, the said John Thompson was tried and Convicted of Felony and Burglary, committed in the dwelling House of James Black, in the County of Philadelphia, on the first of January last, and hath received Sentence of Death for the same.

The said Record, with a Petition of the Jury of the said Court in favour of the Criminal, being duly considered, The Governor, by the advice of the Board, was pleased to grant a Pardon to the said John Thompson, and directed the Secretary to make out the same accordingly.

Council Chamber, Saturday 11 o'Clock, A. M., May 27th, 1769.

The Governor having received a Message from the Assembly requesting him to acquaint the House when he would be ready to pass the Bills which he had agreed to, and having appointed this Hour for that Purpose, sent a Message to the House by the Secretary, requiring their attendance in the Council Chamber, that He might enact into Laws such Bills as had received his Assent.

The whole House accordingly attended, and the Speaker presented to the Governor the three following Bills, which he was pleased to enact into Laws. His Honour then signed a Warrant for affixing the Great Seal thereto, and appointed the Secretary to accompany two Members of the House to see them Sealed and deposited in the Rolls Office, Viz^{t}:

"An Act for explaining and amending an Act entituled 'An Act for graning the Sum of £60,000 to the King's Use, and for striking £55,000 thereof in Bills of Credit, and to provide a Fund for sinking the same.'"

"An Act to continue An Act, entitled An Act for appointing Wardens for the Port of Philadelphia, and for the regulating Pilots plying in the River and Bay of Delaware, and price of Pilotage to and from the said Port."

"An Act to continue An Act, entituled, An Act, to amend An Act entituled An Act for the better employment Relief and support of the Poor within the City of Philadelphia, the District of Southwark, the townships of Moyamensing and Passayunk and the Northern Liberties."

The Speaker then acquainted the Governor that the House proposed to adjourn to the 18th of September next, if His Honour had no objection thereto; to which His Honour said that He had none, and then the House withdrew.

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At New Castle, Monday the 5th of June, 1769.

Three Members of Assembly waited on the Governor, and acquainted him that the House had met pursuant to adjournment, but before they proceeded to other Business, they would chuse to take into consideration such Matters as the Governor might have to recommend to them; and therefore, they requested to know if His Honour had any business to lay before them, to which the Governor replied that he had something to recommend to the Consideration of the House, which He should do immediately by a Message.

The following Message was accordingly delivered to the House by the Secretary, viz^{t}:

A Message from the Governor to the Assembly.

"Gentlemen,

"I am to inform you that in February, 1768, I passed a Law presented to me by the Assembly of Pennsylvania 'for regulating the Fishery in the River Brandywine,' which, however, will not be of any Force or Validity, nor answer the good purposes intended by it, until an Act of a similar kind be passed by the Legislature of this Government. I therefore recommend it to you, to frame such a Bill as will effectually remedy the same Mischiefs and Inconveniences which are intended to be remedied by that Law; for which Purpose I have directed the Secretary to lay a Copy of it before you.

"JOHN PENN.

"New Castle, the 5th of June, 1769."

—

Eodem die, P. M.

Three Members of Assembly waited on the Governor, and presented him the following Address from the House, viz^{t}:

An Address to His Honour the Governor.

"May it please your Honour:

"We the Representatives of the Freemen of the Government of the Counties of New-Castle, Kent and Sussex, upon Delaware, in General Assembly met, acknowledge the Receipt of your Message of this Day, delivered to the House by Mr. Secretary; and beg leave to inform your Honour that divers Inhabitants of the Counties of New-Castle and Chester, have presented a petition to this House relating to the Fishery in the River Brandywine, and that the House has made some progress in considering of the Matters prayed for; And your Honour may rest assured that this House will, without Delay, proceed to a further consideration concerning the Regulation of the said Fishery recommended by your Honour, and come to such determination thereon as the Nature of the affair will admit of.

"Signed by Order of the House,

"JOHN VINING, Speaker.

"New-Castle, 5th June, 1769.

—

Wednesday, June 14th, 1769.

The Assembly sent up on the 8th and 12th Instant, several Bills to the Governor for his Concurrence, which have been read and duly considered, and are entituled as follows, Viz^{t}:

"1. An Act for the more easy and speedy recovery of small Debts."

2. "An Act concerning Wills made by Persons residing out of this Government."

3. "An Act for the new appointment of Trustees for the several General Loan Offices within this Government."

4. "A Supplement to An Act for the Stopping St. George's Creek, and for embanking and draining a Quantity of Marsh and Cripple on both sides of the said Creek, &c."

5. "An Act for the more effectual draining and improving the Meadow, Marsh, and Cripple, on Christiana and White Clay Creeks."

6. "An Act for the keeping the Banks, Dams, and Sluices of the Meadow on Red-Hook Creek, in the Hundred and County of New Castle, in Repair."

7. "An Act for aiding the discontinuance of the Process in the Supreme Court, in the County of New Castle, and for appointing other Days for holding the said Court within this Government.

8. "An Act for the more effectual Draining and improving the Marsh, Cripple, & low Land on Morris's Branch, in Appoquinimink Hundred, and County of New Castle, in the Tenure and Occupation of David Finney, Esquire, John Lewis, and others."

The Governor returned the said Bills to the House by the Secretary, with a few Amendments to the first mentioned four, and a Verbal Message that he gave his Assent to the others.

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Thursday, June the 15th, 1769, P. M.

The following six Bills having been sent up by the Assembly to the Governor for his Concurrence, were duly considered and returned to the House by the Secretary, with one Amendment to one, and a Message that his Honour agreed to the other five, Viz^{t}:

9. "An Act to enable the Owners and Possessors of the Marsh Meadow on the North Side of Christiana River, called Brandywine Marsh, and of a Tract of Meadow, Marsh, and Cripple, on the South Side of the said River, called Hollander's Creek Marsh, and also, of a Tract of Marsh Meadow near New-Port, called Conrad's Cripple; to keep the Banks, Dams, and Sluices in Repair, and to raise a Fund to defray the Expences thereof."

10. "A Supplement to the Act, entituled 'An Act to enable the Owners and Possessors of the Meadow Marsh and Cripple on Red Lyon Creek, in New Castle County, to keep the Banks, Dams, Sluices and Flood-Gates in Repair, and to raise a Fund to defray the Expences thereof.'"

11. "An Act for extending An Act entituled 'An Act to prevent Swine running at large without Rings and Yokes in certain

parts of New-Castle County, within this Government, to a certain part of Apoquinimink Hundred, in the County aforesaid.'"

12. "An Act to enable the Owners and Possessors of the Meadow, Marsh and Cripple on Tom's Creek, in the Hundred and County of New-Castle, to keep the Banks, Dams and Sluices in Repair, and to raise a Fund to defray the Expence thereof."

13. "A Supplement to an Act entituled 'An Act for the effectual Draining and improving the Marsh on the North End of the Town of New-Castle, in the Tenure and Occupation of John Finney, Esquire, the Reverend Aeneas Ross, James Sykes, and John Maxwell, the Heirs of Benjamin Price, Daniel M'Lonon, Robert Morrison, John Silsbee, George Munro, Esquire, and Nathaniel Silsbee.'"

14. "An Act to enable the Owners and Possessors of the Tract of Meadow Marsh and Cripple, at Swanwick, in the Hundred and County of New-Castle, to keep the Banks, Dams, Canals, Sluices, and Flood-Gates in Repair."

The Governor then considered the Record of Conviction of Samuel Galloway, of Kent County, for Burglary, and issued a Warrant for his Execution on Saturday the 15th day of July next.

—

Friday, June 16th, 1769.

Three Members having again brought up the several Bills which have been amended, and acquainted the Governor that the House had acceded to all his Amendments except the additional Clause proposed by his Honour for making the Bill "for the more easy and speedy recovery of small Debts," a Temporary Law, which the Governor now thought proper to recede from, and returned the several amended Bills to the House by the Secretary with his Assent.

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Eodem die, P. M.

Three Members of Assembly presented to the Governor for his Concurrence two Bills, entituled

15. "An Act for amending the Act entituled 'An Act for the Relief of Insolvent Debtors within this Government.'"

16. "A further additional Supplementary Act to the Act entituled 'An Act for the better regulation of the Roads in New-Castle County.'"

Which were duly considered and returned to the House with the Governor's Assent.

Eodem die, P. M.

A Committee of the Assembly waited on the Governor with a Message from the House, requesting to know when and where he would be pleased to receive the House in order to Pass the Bills. His Honour having answered that he was ready to receive the House immediately at his Lodgings, they accordingly attended there, and the Speaker presented the sixteen Bills agreed on, which the Governor enacted into Laws, signed a Warrant for affixing the Great Seal thereto, and directed the Secretary to accompany two Members of Assembly to see them Sealed and deposited in the Rolls Office.

The Speaker then, in behalf of the House, thanked the Governor for his Care and Diligence in attending the Business of the Government, and delivered to him Orders on the Trustees of the Loan Office, for £250, for which His Honour returned the House his thankful acknowledgments.

At a Council held at Philadelphia, on Tuesday the 20th of June, 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c[a].

James Tilghman, Richard Peters, } Esquires.

The Governor laid before the Board a Transcript of a Record of Conviction, whereby it appears that at a Court of Oyer and Terminer and General Goal Delivery, holden at Lancaster, in and for the Borough of Lancaster, on Monday the 15th Day of May last, before John Lawrence and Thomas Willing, Esquires, two of the Justices of the said Court, John Adam Berger was tried for and convicted of Felony and Murder, committed on the Body of Regina Magdalena Berger, on the 24th of December last, and had received Sentence of Death for the same.

The said Record being taken into Consideration, and no favourable Circumstances having been reported by the said Judges on behalf of the said Criminal, the Governor, by the advice of the Board, thought proper to issue a Warrant for the Execution of the said John Adam Berger, on Saturday the first of July next.

The Governor then acquainted the Board that it had been represented to him that a Magistrate was much wanted in the Borough of Lancaster, and Robert Boyd, Esq., being thought a proper Person to fill the said Office, His Honour was pleased to issue a Commission, appointing the said Robert Boyd a Justice of the Peace and of the County Court of Common Pleas for the said County of Lancaster

At a Council held at Philadelphia, on Tuesday the 11th June, 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

Benjamin Chew, Thomas Cadwallader, } Esquires.
Joseph Turner, }

The Record of Conviction of Samuel Galloway, late of Kent County, Yeoman, was re-considered, and a Warrant of Respite directed to the Sheriff, was issued for suspending the Execution of the said Samuel Galloway to the 10th day of November next.

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MEMORANDUM, July the 11th, 1769.

The Governor this day received the following Letter from the Honourable William Pitkin, Esquire, Governor of the Colony of Connecticut, Viz^t:

"HARTFORD, the 26th of June, 1769.

"Sir:

"I received Yours of the 13th of February last, and thought proper to communicate it to the General Assembly of this Colony, as is, and has been the Custom in this Government as to such Letters, before I returned an Answer. I improved the earliest Opportunity herefor, at their Session in May last, but no Resolutions relative to the Subject Matter of your Letter were come into by them. What has been resolved by this Colony in favour of the Susquehanna Purchasers, was in the Year 1755, which, I doubt not, you have long since been advised of. Whatever Correspondance has heretofore been carried on relative to the Subject, has proved ineffectual as to quieting the Minds of those Interested; and should the like Correspondance be renewed as to the Bounds of the Colony by our Royal Charter, and the Legality of the Purchase made of the Indians, it would probably be of little avail, Private Opinion being very undeterminate in Cases where Provision is made by Law for issuing them.

"I am truly solicitous that the Peace of your Province, as well as this, should be maintained, and flatter myself that Individuals challenging what they claim their Right, which must be determined in a legal manner, will not disturb the Peace of either, but hope such Measures will be come into, and the whole Affair so adjusted, as greatly to redound to the Emoluments of each of them.

"I am, with Esteem and Regard, Sir,

"Your most obedient humble Servant,

"W^M. PITKIN.

"To His Excellency JOHN PENN, Esquire."

At a Council held at Philadelphia, on Tuesday the 18th of July, 1769.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, President.

Joseph Turner, Thomas Cadwalader, } Esquires.
Richard Peters, James Tilghman, }

Colonel Francis having Yesterday come to Town from the Forks of Susquehanna, and brought the disagreeable News that on the ——— Day of ———, an Indian Man, called young Seneca George, was unfortunately Shot on the West side of Susquehanna, a few miles below Middle Creek, attended at the Board by the desire of the President, and acquainted them that He, with some other Persons, had apprehended one Peter Read as the Person suspected to have Shot the said Indian, and brought him before James Burd, Esquire, who, after taking the Deposition of the said Colonel Francis, James Parr, and William Patterson, committed the said Read to Lancaster Goal 'till further Orders should be given by the Judges of the Supream Court; And after Colonel Francis had related the several Particulars respecting the killing of the Indian, as set forth in the Deposition which was sent to the Judges of the Supreme Court, the Board took the matter into their Serious Consideration, and were of Opinion that a Present of Condolance should be immediately provided and sent to Old Seneca George, and the other Relations of the Deceased Indian, accompanied with a condoling Message to them from the Government; and that a Letter should be sent by the next Post to Sir William Johnson to inform him of this unfortunate Accident, that he may acquaint the Indians with it in the most proper manner.

Mr. Peters and Mr. Tilghman were appointed to confer with the Speaker of the Assembly on the Occasion, in order to know whether He and other Members of the Assembly who were in Town, would engage that the House should pay the Expences of the said Present, and such Charges as might attend the delivery of it.

At a Council held at Philadelphia, on Wednesday 19th July, 1769.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, President.

Joseph Turner, Richard Peters, } Esquires,
William Logan, James Tilghman, }

"Mr. Tilghman and Mr. Peters reported that they had conferred with Mr. Fox on the Subject recommended to them Yesterday, and that Mr. Fox acquainted them he had consulted several of the

Members of Assembly respecting the Present proposed to be made by the Government to the Relations of Young Seneca George, and that they all much approved of the Measure, and made not the least Doubt but the Assembly would chearfully defray the Expence of such Presents as might be thought necessary to be made, as well as the Charges attending the Transportation and Delivery of them.

"Whereupon it was agreed that the following Goods should be sent to Fort Augusta without Delay, and there delivered to the Indians by Colonel Francis, with a Message to be prepared by Mr. Logan and Mr. Peters, and the Secretary was desired to speak to Mr. Fox and request he would Order the said Goods to be provided accordingly.

Here follows the List of the Goods, Viz^{t}:

1 Piece of Black Strouds.
1 Ditto of Black half thicks (or Blue if Black cannot be got).
1 Ditto of Black Striped Duffills.
2 Ditto of Bandanoe Silk Handkerchiefs, dark Coloured.
1 Dozen of Shirts, Viz^{t} 6 Ruffled and 6 Plain,
2 Pieces of Gartering, Scarlet and Star.
50 lbs of Tobacco.
4 Pair of Shoes, and 4 pair of Buckles.
15 Gallons of Rum in 3 Keggs.
2 lbs of Vermillion.
1 dozen of Small Brass Kettles.
2 Barrels of Pork.

It is also agreed that Flour and Indian Corn sufficient for the Indians that may come to Augusta, be provided by Colonel Francis, on the Frontiers or at the Susquehanna.

At a Council held at Philadelphia, on Tuesday the 22d of August, 1770.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}.

The Hon^{ble}. James Hamilton, William Logan, Richard Peters, Lynford Lardner, Benjamin Chew, James Tilghman, } Esquires.

A Company of Indians to the Number of 37, including Men, Women, and Children, came to Town on Friday, and to-day five of their principal Men waiting on the Governor, they were invited into the Council, and on their behalf Shoanaszowa, a Seneca Indian, made the following Speech to the Governor:

"Brother:

"I am glad to have an Opportunity of seeing you; We are of your Brethren that live at Chenango, on the Susquehanna, and We

come down to see our Brother, to tell him that We have of late had a good deal of sickness, and are in great Distress. Our Brothers here have always been kind to Us, and We hope We shall now meet with the same kind Treatment We have always had from You.

A String of Wampum.

"Brother:

"You told us, at the great Treaty that was held last Fall, that You would keep the Road between us open and safe, and be good to us, and desired We would act in the same Manner. Our Disposition, we assure you, is not changed towards you, it is still the same as ever, and We hope You are likewise of the same good Temper towards Us. We find what you told Us then to be true, for We have come here without any Molestation. The way has not a Stick in it, but all is free and open, and our Journey has been safe.

"Brother:

"In former Times all this Country belonged to the Indians; now it is otherwise. You have a large Share of it, and I am glad to find You carry on a good Trade with Us, and We live together in Peace and Love. This is just as you promised it should be at the last Treaty.

A String.

"Brother:

"I hope you will now pay a particular Regard to what I am going to say. We are come here from a great way off, and are much fatigued. There are some of the six Nations where we live, and I am come at their Instance, as well as from the other Indians that are at Chenango, and I hope you will listen to me in their behalf.

"You see our Condition; We are very poor and ragged; We have not had a good Hunting Season; We have been very Sick, and are in Distress; Have pity on Us, and give us a little Cloathing; We are almost Naked."

A String.

Mr. Peters was desired to acquaint the Speaker of the House with this application, and ask him to provide what should be thought proper to be given on the Occasion.

—

Thursday, the 24th of August, 1769.

MEMORANDUM.

Mr. Fox having, at the Instance of the Governor, provided a present for the Indians, it was this Day delivered to them, and the Governor at the same Time spoke to them as follows:

"Brethren:

"I have considered what you said to me; it is all very agreeable; and I am glad to see you.

A String.

"Brethren:

"You may be assured We shall always observe to do whatever We promise in our Treaties. The People of this Province were always kind to their Indian Brethren; and will continue to be kind to them as long as the Indians, on their side, behave in a friendly, quiet and good manner.

A String.

"Brethren:

"I thought that the Country about Chenango was a good hunting Country; and that you might get Fish in Plenty; and that all sorts of Game abounded there. We are sorry that you tell Us of your distress and Poor Condition; and in consideration thereof, We have provided (though with some difficulty, as there are now scarce any Indian Goods in Town) a few things for you, which I desire your acceptance of as a Testimony of the Love the good People of this Province bear to their Indian Brethren."

—

Thursday the 24th of August, 1769.

MEMORANDUM.

The Governor having received further Intelligence respecting the Determination of the Connecticut People to continue to keep Possession of the Wyoming Lands, thought proper to dispatch by Express the following Letters and Instructions to Colonel Francis, at Fort Augusta, Mr. Charles Stewart, Mr. Amos Ogden and Mr. John Jennings, Sheriff of Northampton County.

A Letter from the Governor to Colonel Francis.

"PHILADELPHIA, the 24th of August, 1769.

"Sir:

"As the New England Men have not thought proper to observe their agreement made at Easton, but soon determined to retain their unlawful Possessions at Wyoming, I must desire you to exert your Influence in raising as good a Party as you can, in order to assist the Sheriff of Northampton in executing the King's Writ on the New England People at Wyoming who were indicted at Easton, and I hope you will find the People in your Neighbourhood as willing to embark in the affair as they have heretofore shewn themselves. When you can know what number you can procure, you will send

an Express to Wyoming, informing Mr. Stewart or Mr. Ogden of it, that they may transmit the Account to the Sheriff of Northampton, and fix a Time of meeting him at Wyoming, in which you will take Care to allow Time enough.

"I send you £ , to defray the Expense of the Expedition.

"It is hoped you will be able to procure the People to go without Pay, as they have already manifested a very good Disposition to bring the Intruders to Justice, and to support the Civil power of the Government under which they live.

If the Persons Indicted have all left Wyoming, you will be made acquainted with it by Mr. Stewart or Mr. Ogden, and in such Case you need not proceed. I have a Confidence in your activity and Resolution, as well as in your Prudence, in this Service, and am, Sir,

"Your most obedient humble Servant,

"JOHN PENN.

"To Colonel TURBUTT FRANCIS at Fort Augusta."

A Letter from the Governor to Messieurs Stewart and Ogden.

"PHILADELPHIA, the 24th August, 1769.

"Sir:

"As the New England Men seem determined to remain at Wyoming, there is a Necessity that the Government should take proper Measures to bring the People Indicted at Easton to Justice; And for that Purpose I desire you will immediately repair to Wyoming, in order to carry on a Correspondance with Colonel Francis, who is desired to assist in this matter, and also with Mr. Jennings, the Sheriff of Northampton, who is properly instructed in the manner of executing the King's Writ against the Offenders.

"If, upon going to Wyoming, you find that all the Persons Indicted have left the place, you are immediately to advise both Colonel Francis and the Sheriff of it, that the Expence of bringing up their Parties may be avoided. If any thing particular should occur, which you may think proper for the Government to be apprized of, you are to send Expresses for the Purpose.

"I am, with great Regard, Sir,

"Your most Obedient humble Servant,

"JOHN PENN

"To CHARLES STEWART or AMOS OGDEN, Esquires."

"*Instructions to the Sheriff of Northampton, relative to his Conduct in executing the King's Writ upon the New England Men at Wyoming, Indicted for Forcible Entry, &ca.:*

"You are to summon to your Aid as many of the Inhabitants of the County as you may judge necessary.

"It is expected that a Number of People from the West Branch of Susquehanna will join you in the Neighbourhood of Wyoming, whom you will also take to your assistance; but of this you will receive further and more particular Intelligence, either from Wyoming or Philadelphia, and you are to wait till such further information is given you.

"As you are a Stranger to the Persons Indicted, you should take with you such of the Persons settled at Wyoming, under Pennsylvania, as are acquainted with them, to shew or point out to you those named in the Writ.

"You are to be Cautious not to arrest any who are not named in the Writ, except they oppose you in the legal execution of your Duty, or attempt a rescue, or otherwise commit a Breach of the Peace; in either of which Cases, you may arrest and detain them, until they can be carried before a Justice to Answer for their Offence.

"If the Persons named in the Writ, or any of them, retire to any House and refuse to admit you, you are first to demand Entrance, and inform those within that you have the King's Writ against the several Defendants, and if they afterwards refuse to open the Doors, you will be justified in breaking them open and entering to make the arrest; but, before you proceed this length, it is absolutely necessary you should know that one or more of the Defendants are within the House; but in this Case, it would be well if, before you use Force, you would parley with the wrong-doers, and urge Arguments to induce them to desist from their illegal Purpose.

"As the New England Men threaten to oppose You in the execution of your Duty with Force and Violence, it is prudent that You and Your Party should furnish yourselves with Arms for your Defence and Preservation only, but not to make use of them unless reduced to the necessity of doing it by an illegal and violent resistance, in which Case you may oppose Force with Force. It is, however, warmly recommended to You to exercise on this unhappy Occasion the utmost Discretion and Prudence, to avoid the effusion of Blood, and that neither You or Your party strike, fire at, or Wound the Offenders, unless you are first stricken, fired on, or Wounded.

"At the same Time that it is required of you to act a spirited and resolute Part in using your utmost Endeavours to arrest the Offenders, it is not expected or desired that you should expose yourself and your Party to unnecessary Danger, or run great Hazards, if

you should be opposed by Numbers so greatly Superior to You that there is no probability of succeeding in the Attempt, which must be left to your own Judgement and Observation on the Spot; but in such Case you are to return and make Your Report to me, in Order that I may apply to General Gage to furnish me with the Military Force to support the Civil Power, & enforce the execution of the Laws.

"JOHN PENN.

"To JOHN JENNINGS, Esq^r, Sheriff of the Cot^y of Northampton."

"Philadelphia, August 24th, 1769.

Tuesday the 19th of September, 1769.

MEMORANDUM:

The Governor received a Verbal Message from the Assembly, acquainting him that the House had met pursuant to Adjournment, and were ready to receive any Business he had to lay before them, to which His Honour answered that he had nothing in particular at present to recommend to their consideration.

At a Council held at Philadelphia, on Tuesday 26 September, 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a, and James Tilghman, Esquire.

The Assembly having sent up to the Governor for his Concurrence a Bill entituled "An Act for the Support of the Government of this Province and Payment of the Public Debts," the same was read, and before any Determination should be made respecting it, the Governor thought proper to send a Verbal Message to the House by the Secretary, requesting them to furnish him with a List of the Public Debts which are intended to be discharged by the Bill under his Consideration.

Wednesday the 27th of September, 1769.

Two Members of Assembly brought to the Governor an Estimate of the public Debts referred to in the Bill for the support of Government, and also, delivered to His Honour an Address from the House, which is as follows, viz^t:

To the Honourable JOHN PENN, Esquire, Lieutenant Governor of the Province of Pennsylvania, &ca.

The Address of the Representatives of the Freemen of the said Province in General Assembly met.

"May it please your Honour:

"We, the Representatives of the Freemen of the Province of Pennsylvania, in Assembly met, beg leave to represent, that taking under our Consideration the several Laws lately passed for the Preservation of the Fish in the Rivers Delaware, Susquehanna, and Schuylkill, and making the last mentioned Navigable, find, notwithstanding the salutary Provisions in the said Laws, a large Number of Wears, Dams, Baskets, and other Obstructions have been, and daily continue to be erected in the said Rivers, whereby the good Intentions of the Legislature are rendered ineffectual, and the Mischiefs intended to be remedied remain unremoved, and that a continuance of those Mischiefs is principally occasioned by the Neglect of the Magistracy and Constables concerned in the due execution of the Powers vested in them by those Laws.

"We therefore earnestly request your Honour will be pleased to issue your Proclamation requiring and commanding the Magistrates and all other Officers for the several Counties adjoining the said Rivers, to pay due Attention to the said Laws, and exert their utmost Endeavours to enforce a faithful and strict Obedience to them.

"Signed by Order of the House,

"JOSEPH FOX, *Speaker.*

"September 27th, 1769."

At a Council held at Philadelphia, on Friday the 29th September, 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Richard Peters, Benjamin Chew, } Esquires.
James Tilghman,

The Minutes of the Indian Conferences held last Month by Colonel Francis at Shamokin, were read and ordered to be entered in the Council Books, and the Secretary was directed to lay the same before the Assembly for their Perusal. The said Minutes are as follow, viz^{t}.

" Minutes of a Conference held at Shamokin or Fort Augusta, by Colonel Francis on the part of the Government of Pennsylvania, with the Indians inhabiting in and near Shanango, in order to Condole with and make a Present to Seneca George and his Relations, on Account of the Death of George's only Son, who was Shot some Time since by an unknown Person, near the Mouth of Middle-Creek on Susquehanna.

Saturday, August the 19th, 1769, a little before Noon Seneca George, accompanied by the Conoy King, named last Night by an Onandago Chief named Genquant, and about 53 more Indians of different Tribes, but chiefly Nanticokes and Conoys, landed from their Boats and sent a Message to Colonel Francis to know when they might speak to him, who immediately returned Answer that in the Afternoon he would be glad to see his Brother Seneca George and the Friends and Brethren he had brought with him. Colonel Francis then prepared to receive the Indians, and desired the Reverend Doctor Smith of Philadelphia, who happened to come to the Fort about half an Hour before the Indians, to give his assistance in taking the Minutes, &ca.

August the 19th, in the Afternoon.

PRESENT:

Colonel Francis, on the part of the Government,	Seneca George,
Reverend Doctor Smith,	Last Night, the Conoy King,
and about 50 Inhabitants,	Genquant, an Onondago,
on and near Susquehanna.	and 22 more Warriors,
	and Young Men.

Isaac Still, Interpreter.

Seneca George speaks:

" Brother:

" You sent a Letter some Days since inviting me to this Place I invited my Brother Genquant, one of the Onondagoes, to come with me, and likewise some of my Children of the Nanticokes and Conoys. I also found other Young Men waiting for me to come down; and now we are all here before you, as if you was the Governor, for you could not expect me to come alone.

" Brother:

" We have met among ourselves this Day with many Tears, but now we see you our Tears begin to dry up a little, and we are ready to hear what you have to say, and you may appoint the Time as soon as you please, and when you speak, all of us will consider one with another what you say to us.

"Brother:

"I will speak one Word more, I desire you would stop all your Strong Drink a while, for you and I can neither speak nor smoke together rightly if our young Men should get Drink at this Council-fire kindled by the Governor at Shamokin.

"Brother:

"You and I are Friends and know each other, and you likewise very well know what the Custom is when the Governor meets his Brethren at any place where he appoints a Council Fire. Now you see your Brethren here, and we desire you will give us something to eat, for this is always the Custom when We meet the Governor at a Council Fire. We have no more to say at this Time."

Colonel Francis was going to make some Reply, and to express his Pleasure at Meeting his Brethren, and to tell them that they should hear good Things from the Governor on Monday, But Seneca George got up and desired Colonel Francis would not speak then, it being better to consider what had been said to him till Monday. The Indians then went to their Camp, and Provisions were sent to them. This Evening Joseph Shippen, Esquire, the Provincial Secretary, arrived at the Fort.

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Sunday, August 20, 1769.

The Indians having understood that Doctor Smith was to have Divine Service to White People assembled at the Fort, Seneca George sent Notice that his People worshipped the same God with the English, and would attend Divine Service, which they did accordingly, with great Decency, and Isaac Still interpreted the Conclusion of the Discourse, which was particularly addressed to them.

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Monday, August 21st, 1769.

PRESENT:

Colonel Francis,
Joseph Shippen, Esquire,
Reverend Doctor Smith,
Charles Stewart, Esquire,
and near 100 Inhabitants.
Seneca George,
Last Night, the Conoy King,
Genquant, the Onondago Chief,
and other Indians, as before.

Isaac Still, Interpreter.

Seneca George speaks:

"Brother, and all of you my Brethren:

"This Day We are all met here together. Some chief Men, my Brothers, are come with me, and some young Man, to this Council

Fire kindled by the Governor. You have sent for me to come from Shanango, and now I am come to hear my Brother, and I suppose you have something within your Heart to tell me."

Gives a String.

Colonel Francis then spoke as follows:

"Brother Seneca George and all you, my Brethren:

"I am glad to see you here, and that you received the Letter I sent you soon enough to meet me here at the very Time I wished to see You. My Grief for what has happened has been equal to yours, but on seeing you here in so friendly and good a Disposition, my Grief is now so much removed that I have been able to light this Council Fire, and to acquaint you with what is contained within the Governor's Heart on this Occasion.

Gives a String.

"Now Brethren open your Ears and listen. I am going to deliver to you what the Governor desired me to speak to Seneca George and his Friends on this sad Occasion. Attend then Brethren, for it is now the Governor speaks.

"Brethren:

"I take this Opportunity by Colonel Francis to give you my kind and hearty salutations, and by this String I desire you will hearken to the Message I send you by him.

A String of Wampum.

"Brethren:

"It is not above a Month ago that Colonel Francis came from Shamokin, on purpose to acquaint me of the Death of one of our Indian Brethren, and that the Man who was supposed to have committed the Crime was apprehended and secured in Lancaster Gaol.

"On this information, I ordered the Man to be sent to the Gaol of this City, to be kept secure till he can be tried.

"Brethren:

"Colonel Francis further acquainted me that the Indians who were in the Cabbin with our deceased Brother at the Time he was killed, were present when the Offender was taken, and were satisfied with Colonel Francis's Conduct in this Affair, and were kind enough to take a Message from him to give you an Account of what had been done, and to tell you he was hastening to Philadelphia to lay the same before me, and would bring in a Month or six Weeks my Message to you on this Melancholy Occasion, and desired you to be at Shamokin in Order to receive it.

"Brethren:

"Knowing that by Treaties between this Government and the Indians, We are obliged to inform each other of any accidents that happen which may be likely to disturb the Peace sub-

sisting between us; as soon as I had made myself acquainted with the Particulars attending this Matter, I lost no Time in sending an Account thereof to Sir William Johnson, that he might relate the real Truth, so far as was come to my knowledge, to the Indians of the Six Nations, and assure them that the person apprehended should be taken great Care of and safely secured, and receive his Trial in the same Manner as if the Deceased had been a White Man; and by his Trial it will appear whether the Affair was accidental or designed.

"Brethren:

"We are sensible that whilst the Body of our deceased Brother lies above Ground your Minds cannot be easy. We therefore, by these Strouds, bury this Body and cover it so deep that your Eyes may never more see it.

Black Strouds.

"Brethren:

"With these Handkerchiefs We wipe away all the Tears which run down your Cheeks, and take the Sorrow from your Hearts, and desire you would grieve no more.

Handkerchiefs.

"Brethren:

"With this Belt We scrape up all the Blood that has lain on the Ground or may have stained the Bushes. We collect them together and bury them under Ground, that neither your nor your friends Eyes may more behold them, as you pass and re-pass the place where the accident happened.

A Belt.

"Brethren:

"As we have now buried the Body of our deceased Brother, We desire you will suffer no uneasiness to remain in your Minds, that may cause the least ill will towards your Brethren, the English.

A Belt.

"Brethren:

"As you are the Relations of our deceased Brother, as a Token of our Affection for you and to comfort your Hearts, We desire you would accept of this present of goods."

Delivered the Goods.

(signed) "JOHN PENN."

Seneca George then Speaks:

"Brother:

"Now I have heard what the Governor has to say to me on this Occasion; My Young Men and the Chiefs that are come with me have likewise heard it, and are very glad that they have heard the Governor of Philadelphia speak. Now I will return to my Fire-place, and to-Morrow will give an Answer to what the Governor has said to us."

Tuesday, August 22d.

The Indians sent Word they could not be ready to answer the Governor's Message till to-morrow in the forenoon.

Wednesday, August 23d.

PRESENT:

Colonel Francis,
Doctor Smith,
Charles Stewart, Esquire,
about 50 Inhabitants.

Seneca George,
Last Night,
and other Indians, as before.

Being met, Seneca George spoke as follows:

"Brother:

"We have met here on this good Day, and as the Governor of Philadelphia has sent you here to speak to me, I shall look upon you as in the Governor's room. I am glad to hear what my Brother the Governor has said, and so are also my young Men, and I doubt not your young Men are likewise as well pleased as our young Men are with what the Governor has said.

"Brother:

"I let you know I am not a King, but I am a Captain of the six Nations. But here is a King, [pointing to last Night, the Conoy King], You will hear him him speak good Things. His Words and mine are one.

"Brother:

"You may see that the Occasion which has called us to meet here, is not from a bad Spirit on our Part, but yours. The great and good Spirit put it into the Hearts of our Grandfathers and yours to lay strong Foundations for Peace with each other. We must follow what they have done, and if We hide any Thing in our Hearts from one another, this great Spirit whom you call God Almighty, will know it."

The Conoy King then speaks:

"Brother:

"I am really glad to see you at this Fire which the Governor has placed at Shamokin, and to hear what my Brother, the Governor, has said, and to see all these young Men that are come with you. My young Men are likewise all glad on the same Account.

A String, 4 Rows.

"Brother:

"I now speak to the Governor by you, Colonel Francis. I have put into my Heart what the Governor has said. My young Men have done the same. We all believe what the Governor has said to

Colonel Francis has really come from his Heart. I will, therefore, now open my Heart, and you shall hear very good Things.

2d String, 4 Rows.

"Brother:

"I am well pleased the Governor takes this Method to bury our Grief under Ground. I need not repeat what you said to us. I am glad you have wholly wiped away that Stain from the Face of the Earth, and I now assure you I will look on you, my Brothers, as I used to do, and think well of you.

"Brother:

"As I told you, we are all glad to hear our Brother, the Governor. But, I assure you, Brother, I do not know what to do on the Affair we are met about. I have considered this sad Breach, and should know what to do in it if any of my People had committed the like against any of yours.

"Brother:

"You know best how to manage such of our People as have been overcome by the Evil Spirit, and therefore I leave this Matter wholly to you.

A Belt, 7 Rows.

"Brother:

"Let me now speak one Word to my Brother, the Governor, and to you, Colonel Francis. I would have my Brother, the Governor, be strong to hold fast that good Friendship whereof our Grandfathers laid fast Foundations when you came first into this Country. Sir William Johnson is but lately come. But We had in old Time a very firm Peace, and you and I used always then to speak to one another.

"Now as I said, Brother, We then laid firm Foundation for Peace, and this was one great article of that Peace, that we should have Pity on our young Men and also our Women and Children.—Because We all came at first from one Woman, as you may easily know by this mark, 'that our little Children when born have all the same Shapes and Limbs as yours, altho' they be of a different Colour.' Wherefore, Brother, I would have you be strong and in good earnest to preserve this our antient friendship, so that our young Men where-ever they meet on a Journey, or hunting about in the Woods, may always be glad to see one another.

"Brother:

"There was also another Mark in this our old Friendship, that if We had but one Loaf of Bread when we met each other in the Woods, We would cut it in two and divide it one with another.—Let us all then cast up our Eyes to the great good Being to bless our Endeavours to preserve this our antient Friendship.

A Belt, 8 Rows.

"Brother:

"You know that our Grand-fathers made a Road between each other, which passes by my Door and reaches to Onondago. We have now kindled a Council Fire at Shamokin. Let us both then be strong, that our young Men, Women and Children, may pass and re-pass and always be glad as they meet one another as they hunt in the Woods.

"Brother:

"You may perhaps hear bad Stories from other Nations, but I would not have you listen to them, but let you and I still hold fast the antient Friendship.

"Brother:

"You and I are Brothers. The Nations to which I belong, the Nanticokes and Conoys, never yet since the beginning of the World, pulled one Scalp nor even one Hair from your Heads, and this I say gives us a Right to call ourselves your Brothers. Although you have done me some Hurt I have never yet cast my Eye upon that, but have always looked stedfastly to our antient Friendship.

"Brother:

"Now we have healed this sad Breach, and you see all my young men here are satisfied it is so made up, and I hope your young Men are also pleased. But Brother I would have you tell your young Men never to make the least Breach of our Friendship again, and I will tell our young Men the same.

A Belt, 7 Rows.

"Brother:

"Now you have heard all your Brothers had to say to you on this good Day. There is, as I told you, a Council Fire at Shanango, which is the Door of the Six Nations. When I go home all your Brethren shall know what you have said, and Sir William Johnson shall also know it.

"Brother:

"We the Nanticokes and Conoys, have wiped away all the Grief from the Eyes of our great Warrior, Seneca George. We shew you this Belt, wherewith we joined you in wiping his Eyes.

"Brother:

"Last fall Sir William Johnson and all the Governors kindled a Council Fire at Fort Stanwix. He sent for all his Indian Brethern, as far as Allegeany, to meet at this Council Fire. It was his Business when they met, to find Provision for them, and he did so. But they killed one six Years' old Steer for me, and I had no Satisfaction for it. If you think proper to consider this matter and allow me satisfaction, I shall think well of it.

"Brother:

"To-Morrow I intend to leave you. I was in hopes you would have sent me a *Squaw* to keep me warm at Night. Perhaps you

have one to keep you warm, but as you did not send me one, I must go home to my own as fast as I can. But you know the Custom is that you must give me a little Bread to eat on the way."

Colonel Francis then spoke as follows:

"Brothers, Seneca George, Last Night, and all you, my Brethren:

"I am really rejoiced to hear all the good things you have said, and to find that the Governor's Message to you, with his small Present of Goods, have wiped away all the tears from your Eyes, and confirmed in your Hearts the old Friendship and good will you have to your Brothers, the English. All who are present with me rejoice on the same account. You see I have caused to be written down on Paper all the good things you have said, that I may send them directly to the Governor, who will put them in his Heart, and remember them the first time you speak together.

"Brother:

"As to what you say about a *Squaw*, I have really none here. We keep all ours in Philadelphia, and we are as desirous to get home as you are. I am sorry that we have so little Provisions here, But you shall this very evening have all that I can get for you. I will kill one of our best Cattle for you. I will send you all the Flour I have left to make a cake on your way, and I will give some Powder and shot to your young Men to kill a little Deer to eat with your Cake as you go along. I shall likewise send you a little *Walking Stick*, [The Indian Phrase for Rum] and am sorry I cannot make it long enough for a setting Pole, But really our Rum Keggs begin to run very low; however, I will make the stick as long and strong as I can.

"Brother Last Night:

"I will consider what you say about your Steer, and look what there is in my Purse when I go home to my lodgings from the this Council Fire."

Colonel Francis having finished the above, which was received with great Cheerfulness and many Signs of Approbation by the Indians, Mr. Frederick Weiser desired Colonel Francis that he would be pleased to deliver in his name the following short speech to Seneca George.

"Brother Seneca George:

"Now the Business of the Governor is finished, the Son of your old Brother and Friend CONRAD WEISER, desires to speak a few words to you. Myself and all the Children of Conrad have had great Grief and many Tears for the unhappy Death of your Son, and our Tears have run down our Cheeks in greater abundance because a Cousin of ours, the Sister's Son of our Father Conrad, has been suspected of doing the Mischief. He is soon to be tried by the English Laws, and if he should be proved Guilty, which we

hope he may not be, We are willing he should suffer the same Punishment as if he had committed the Crime against a White Man.

"Brother:

This Matter hath grieved and surprized us greatly, for neither the man who is said to have done this, nor any of our Family, have ever had any difference with our Indian Brethren, and Time will shew whether this man is guilty or not; and as we do not wish to skreen him from Justice, We desire you will not entertain in your Hearts any ill will against any of the Family or children of your old Friend and Brother Conrad Weiser, on account of this one man, who, if he is guilty, must have been carried away by a very evil spirit towards the Indians, and different from the spirit of all his Family. As a mark of our love to you, I who am the eldest Son of your old friend Conrad Weiser, desire you will accept this small Present from his Family, to wipe all Tears from your Eyes."

A Present from Mr. Weiser:

Seneca George having sat after this Speech 3 or 4 minutes in a deep silence, with his Eyes fixed on the Ground; and Tears visibly flowing from them, got up and spoke as follows:

"Brother:

"I have really been pleased with what the Governor has spoken by you, Colonel Francis, for making up this sad affair. Now as to what has been said by the Son of Conrad Weiser, I am glad to see one of his Sons, and to hear him mention a little of the old Friendship and Love that was between us and our Brother his Father.—Yes, old Conrad Weiser was indeed my Brother and Friend. He was a Councillor of the Six Nations, and knew all that passed among them or was in their Hearts. I am very glad the Tears have flowed from the Eyes of his Children, as they have done from mine, on account of this unhappy affair, which has certainly been a very great Grief to me—for he that is lost was a Son that lay near my Heart. He was all the Child I had; and now I am old, the loss of him hath almost entirely cut away my Heart. But I am yet pleased my Brother Weiser, the Son of my old Friend, has taken this Method to dry my Tears.

"I assure my Brother Weiser this matter shall be remembered no more against his Family to their Hurt, but I will look upon it that an Evil Spirit got into the mind of the Person who did it."

All the while Seneca George was delivering the above, he kept advancing still nearer and nearer to the Table where Colonel Francis, Mr. Weiser and the other Gentlemen sat, and his *action* and whole behaviour were surprizingly great. That part especially, where he spoke of his Son, was understood even before interpreted, by the tone and manner in which it was delivered. When he came to the last part, where he declared he had no Ill-will to the Family of the Weisers, he sprang forward with a noble air of Forgiveness—and shaking Mr. Weiser by the Hand, "I have [said he] no ill-will to

you Mr. Weiser. | None to you Colonel Francis. Nor any to you Father, (so he called Doctor Smith) nor any to you (meaning Mr. Stewart)," and shaking every one by the Hand, then spreading out his arms and turning quite round to all the Company, "nor have I any ill-will to any of you my Brethren the English."

That manly Spirit of Forgiveness and Reconciliation which Seneca George showed on this Occasion, by his Looks, Gesture, and whole Action, made some of those at the Table cry out as he ran up, holding out his hand to them, "*This is Noble,*" for here his Speech stood in need of no Interpretation.

Here the Conference ended.

After the Conference, James Nanticoke, who had been obliged to return home, sent this Message by James Curtis; "That he requested his Brother, the Governor of Pennsylvania, not to give any Passes to any young Nanticokes that might desire to go to see their Lands in Maryland, unless they should bring some Token from him and John Curtis, for that their young men had no Business in Maryland, as they had agreed to sell their Lands to the Governor."

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A Conference with the Delawares inhabiting the Big Island, and West Branch of Susquehanna.

During the Conference with Seneca George and his Friends, Colonel Francis had great uneasiness on account of the Delaware Chief *New-Aleka*, and about 42 of his Friends, who had come down the West Branch, on a Rumour that there was to be a General Treaty at Shamokin, and that the Governor was to be there. The Nanticokes and Conoys refused to admit them into the Conference, and said they had no Business with it, while the others complained that they had waited many Days, lost part of their Hunting Season, and were now Starving for Hunger.

Colonel Francis sent Isaac Still to bring three or four of their Chiefs to a private Conference, who being come, told him that since they could not see the Governor, nor hear from him, they intended to proceed to Philadelphia. Colonel Francis told them the Governor was not at Philadelphia, but gone on a long Journey, but that he would carry any Message they had to the Governor, and that they might not be wholly disappointed, he would give them some Provisions, and a little walking-stick, to help them back to their Hunting. The Chief then desired Colonel Francis to carry this Message, Viz^{t}:

"That they would return home and Hunt a while for a few Skins to make a pair of Breeches for the Governor, which they would bring down to him in the Fall, to have a Talk with him, according to Old Custom, for they now longed to see him, and had many things to say."

It was therefore found necessary to give them some Flour, &c^{a}· and to get them away as well pleased as possible, for the Inhabitants became apprehensive that they would kill Cattle, or do some other Hurt, for want of Provisions, and on account of the Disappointment in their Journey.

The Address from the Assembly of the 27th Instant was read, and the Governor sent the following Verbal Message to the House by the Secretary, in Answer thereto.

"Sir:

"The Governor commands me to acquaint the House that he will issue a Proclamation, to enforce the several Laws for the preservation of Fish, &ca., agreeable to their Request of the 27th Instant.

"September 29th, 1769."

The Governor then laid before the Board the five following Bills, sent up by the House of Assembly for his concurrence, Viz^{t}:

"An Act for the support of the Government of this Province, and Payment of the Public Debts."

"An Act for the relief of John Galbreath, a languishing Prisoner in the Goal of Chester, with respect to the imprisonment of his Person."

"An Act to continue the act entituled 'An Act to enable the Commissioners hereinafter named, to settle the accompts of the Managers, and to Sue for and recover from Several Persons such Sums of Money as are now due and unpaid on account of a Lottery set up and drawn, for erecting a House of Worship at the Town of Carlisle, &c^{a}."

"An Act for the Relief of John Relfe and Abraham Howell, Prisoners in the Goal of Philadelphia, with respect to the imprisonment of their Persons."

"An Act for raising, by way of Lottery, the Sum of £3543, 15s, 0d, one Moiety or half part for erecting a Bridge over Conestoga Creek, where the Road crosses the same, leading from Philadelphia to Lancaster; and the other Moiety for paving the Streets of Lancaster, the Distance of the first Squares from the Court House."

The said Bills being read and considered, the Board advised the Governor to return the first four to the Assembly with his assent; And as the King had lately sent his Royal Instructions to the Governor forbidding the passing any more Bills for raising Money by Lottery Bills but on certain Conditions, The Board were of Opinion that the present Lottery Bill should be returned, with a Verbal Message refusing his assent thereto, and setting forth the Reasonsfor the same, as they were expressed in a Report of a Committee of the Privy Council to His Majesty, respecting Lottery Bills to be passed in the Colonies. The following Verbal Message was accordingly drawn up at the Table and sent down to the House with the Bill, viz^{t}:

A Verbal Message from the Governor to the Assembly.

"Sir:

"The Governor returns the Bill entituled 'An Act for raising by way of Lottery, the Sum of £3543, 15s, 0d, &ca., and commands me to inform the House That he has lately been honoured with His Majesty's Orders, by advice of the Privy Council, strictly 'enjoining him on no pretence whatever, to give his Consent to any future Act for raising any Sum or Sums of Money by Lottery, without previously writing to know his Majesty's Pleasure therein, and fully stating the several Reasons which may appear to him to make the passing such Act adviseable,' and that in obedience to this Order, he is under the necessity of refusing his assent to this Bill.

"September 29th, 1769."

—

Council Chamber, Saturday, 11 O'clock, A. M., September 30th, 1769.

The Governor having yesterday received a Message from the Assembly, requesting him to acquaint the House when he would be pleased to pass the Bills he had agreed to, and having appointed the present Time for that purpose, sent a Message to the House by the Secretary, requiring their Attendance in the Council Chamber, that the Bills which had received his Assent might be enacted into Laws.

The whole House attended accordingly, and the Speaker presented to the Governor the four following Bills, which the Governor was pleased to pass, and then His Honour signed a Warrant for affixing the Great Seal thereto, and appointed Mr. Tilghman and the Secretary to accompany two Members of Assembly to see them Sealed and deposited in the Rolls Office, Viz^{t}:

1. "An Act for the Support of the Government of this Province, and Payment of the Public Debts."

2. "An Act for the relief of John Relfe and Abraham Howell, Prisoners in the Goal of Philadelphia, with respect to the Imprisonment of their Persons."

3. "An Act for the relief of John Galbreath, a Prisoner in the Goal of Chester, with respect to the Imprisonment of his Person."

4. "An Act to continue the act entituled 'An Act to enable the Commissioners hereinafter named, to settle the Accompts of the Managers, and to sue for and recover Several Sums of Money now due and unpaid on account of a Lottery set up and drawn for erecting a House of Worship at the Town of Carlisle, under the Pastoral Care of the Reverend John Steel."

The Speaker then presented to the Governor, on behalf of the House, an Order on the Treasurer for £500, in part of His Honour's Support for the present Year, for which the Governor returned the House his Thanks.

At a Council held at Philadelphia, on Thursday 5th October, 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

Benjamin Chew, James Tilghman, } Esquires.

The Governor laid before the Board the Returns of Sheriffs and Coroners for the Counties of Philadelphia, Chester, Bucks, Lancaster, Northampton, Berks, and New Castle, which being duly considered, the following Persons were appointed and Commissionated as the Sheriffs and Coroners for their respective Counties, Viz^t:

Joseph Redman,	Sheriff,	Philadelphia City and	
Caleb Cash,	Coroner,	County.	
Jesse Maris,	Sheriff,	Chester	County.
Joseph Gibbons, Junior,	Coroner,		
Joseph Ellicott,	Sheriff,	Bucks	Do.
James Wallice,	Coroner,		
James Webb, Junior,	Sheriff,	Lancaster	Do.
Adam Rigart,	Coroner,		
John Jennings,	Sheriff,	Northampton	Do.
William Ledlie,	Coroner,		
Jacob Shoemaker,	Sheriff,	Berks	Do.
James Whitehead, Junior,	Coroner,		
Thomas Duff,	Sheriff,	New Castle	Do.
Henry Vining,	Coroner,		

A Draught of a Proclamation being prepared by Order of the Governor, in consequence of the Assembly's Request of the 27th Ultimo, for enforcing a due Obedience to certain Laws passed by the Legislatures of the Provinces of Pennsylvania, Maryland, and New Jersey, for the Preservation of the Fish in the Rivers Delaware, Schuylkill, Susquehanna, and the Lehigh, the same was laid before the Board read and approved, and ordered to be printed in the Pennsylvania Gazette, Chronicle, and Journal, the three following weeks, and 200 loose Copies to be struck off immediately, in order to be distributed and fixed up in the most public places in the several Counties bordering on those Rivers.

Four Gentlemen of this city waited on the Governor and presented him a Petition signed by a very considerable Number of the Inhabitants of the Counties of Philadelphia and Chester, setting forth that the Public Highway from the city of Philadelphia to Chester now in use, leads over no less than fifteen steep and stony Hills of very difficult ascent, and is also crooked and far about, which renders it very inconvenient to Travellers, but more especially to those who Travel with Carriages of all sorts:

That a more straight and convenient Road on level Ground, and easy to be maintained, may be opened from the Road leading into the Streets of the said City, through the Townships of Moyamensing and Passyunk on the North, and of Kingsess, Tinicum, and Ridley on the South side of the River Schuylkill, into the present Road leading from Philadelphia to Chester, near Crum Creek, by which the many rough Ways and Steep Hills which render Travelling tedious, disagreeable, and dangerous, as well as very difficult with Carriages of Burthen, may be avoided, and a considerable length of way saved in the Distance between Philadelphia and Chester :

And praying that the Governor and Council would be pleased to make such Orders as to them shall seem meet for the Viewing, laying out, and opening the said Road, in such Manner as shall most conduce to the Public Benefit and the relief of the Pititioners.

The said Petition was immediately laid before the Board and read, but as only two Members of Council were present, the consideration thereof was deferred to a future Meeting, when a fuller Board should be met.

—

Friday, the 6th of October, 1769.

The Returns of the Sheriffs and Coroners for York, Cumberland, Kent, and Sussex Counties, being now made, The Governor appointed and Commissionated the following Persons as Sheriffs and Coroners for their respective Counties, Viz^{t}:

George Eickelberger,	Sheriff,	York	County.
Joseph Adlum,	Coroner,		
David Hoge,	Sheriff,	Cumberland,	Do.
William Denny,	Coroner,		
James Wells,	Sheriff,	Kent	Do.
Jonathan Sipple,	Coroner,		
Boaz Manlove,	Sheriff,	Sussex,	Do.
William Chance,	Coroner,		

At a Council held in the Council Chamber on Saturday the 14th day of October, 1769.

PRESENT :

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}.

Benjamin Chew, Esquire.

A committee of the Assembly waited on the Governor yesterday, and acquainted him that pursuant to the Charter and Laws of this Province a Quorum of the Representatives had met, and having

proceeded to chuse their Speaker, desired to know when he would be pleased to receive the House, that he might be presented for his Honour's approbation.

The Governor having appointed this forenoon at 11 o'clock for that purpose, acquainted the House by the Secretary that he attended his appointment in the Council Chamber, and was ready to receive the House with their Speaker.

The whole House waited on the Governor and presented Joseph Galloway, Esquire, as their Speaker, who after receiving the Governor's approbation, claimed the usual Priviledges in the name and behalf of the House, viz^{t}:

1st. "That the better to discharge the Business of the Public, they may at all seasonable Times have free access to the Governor."

2dly. "That their Persons may be protected from all Arrests and Insults during the Time of Priviledge accustomed."

3rdly. "That it may please the Governor to take no Notice of any Report that may be made touching any Matter or Thing that may be moved or debated in the House, until the same shall be passed into Resolves, nor give the least Credit to such Reports."

4thly. "That his own [the Speakers] unwilling mistakes may be excused and not imputed to the House."

These being requested as the Rights and Priviledges of the Freemen of Pennsylvania, derived and confirmed to them by the Charter and Laws of the Province, the Governor was pleased to make answer that he thought them inherent in a Representative Body, and he should be careful to protect the House therein.

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NEW-CASTLE, Monday the 23rd of October, 1769.

Three Members of Assembly waited on the Governor with a Message from the House, acquainting him that they had met on the 20th of this Month, pursuant to the Charter and Laws of the Government, and had chosen their Speaker, and requested to know when and where they should wait on him in order to present him for his Honour's approbation. And the Governor having answered that he should be ready to receive the House immediately at His Lodgings, they accordingly attended there and presented Mr. Cæsar Rodney as their Speaker, who after being approved by the Governor, claimed the usual Priviledges which were allowed, and then they withdrew.

—

Tuesday, the 24th of October.

A Committee waited on the Governor and acquainted him that the House were duly qualified and desired to know if His Honour

had any Business to lay before them. The Governor answered that he had none at present.

At a Council held at New-Castle, on Saturday the 28th of October, 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor.

Benjamin Chew, James Tilghman, } Esquires.

Two Members of Assembly brought up a Bill for the Governor's concurrence, entituled "An Act," &c^{a}, which was read and returned to the House with two small amendments.

The President and Council having, in the absence of the Governor, on the 11th of June last, issued a Warrant of Respite for suspending the Execution of the Sentence of Death awarded against Samuel Galloway, of Kent County, who had been convicted of Burglary, until the 10th day of November next, The Governor, with the advice of his Council, and on the Intercession of the Judges of the Court of Oyer and Terminer, thought proper to grant the said Samuel Galloway a Reprieve during Pleasure.

The Governor acquainted the Board that Mr. Benjamin Noxon and Mr. John Malcolm had been recommended to him as proper Persons to be in the Magistracy for the County of New Castle, and being approved as such, the Governor directed a new General Commission of the Peace to be made out immediately, with their names inserted therein. A Commission was accordingly issued this Day, appointing the Members of the Council and the following Gentlemen Justices of the Peace and of the County Court of Common Pleas for the County of New Castle, Viz^{t}:

Evan Rice,	Thomas M'Kim,
John Stapler,	William Williams,
Thomas James,	Jacob Peterson,
David Finney,	John Evens,
William Patterson,	Thomas Tobin,
Thomas Cooch,	Theodore Maurice,
William Armstrong,	Thomas M'Kean,
James Lattimer,	Benjamin Noxen,
John Jones,	John Malcolm.

Two Members of Assembly waited on the Governor with the Middleborough Marsh Bill, and acquainted His Honour that the House had acceded to his Amendments.

The Bill was then returned to the House, with a Verbal Message that he agreed to pass the same into a Law whenever the House should present it for that Purpose.

A Committee of Assembly waited on the Governor and acquainted him that the House inclined to postpone the remainder of their Business till the Spring, and proposed for that purpose to adjourn till the 6th of March next, if that time was agreeable to His Honour, but if otherwise, they requested the Governor would be pleased to mention some other Time which might be more convenient to him, and the House would take it into consideration. The Governor made answer that their proposed time of Adjournment was very agreeable to him.

—

Eodem Die, 6 o'clock, P. M.

A Committee of the Assembly waited on the Governor and requested to know when and where he would be pleased to receive the House in order to Pass the Bill to which he had given his Assent. His Honour having answered that he was ready to receive the House immediately, at his Lodgings, they accordingly attended there, and the Speaker presented the Middleborough Marsh Bill, which the Governor enacted into a Law, and signed a Warrant for affixing the Great Seal thereto, and then directed the Secretary to accompany two Members of Assembly to see it Sealed and deposited in the Rolls office.

The Speaker then, in behalf of the House, thanked the Governor for his careful attendance on the Business of the Government, and delivered to him Orders on the Trustees of the Loan office for £200, for which His Honour expressed his thankful Acknowledgements.

At a Council held at Philadelphia on Wednesday 8th November, 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c.

William Logan, Lynford Lardner, } Esquires.
Joseph Turner, Benjamin Chew, }

The Petition of the Inhabitants of Philadelphia and Chester Counties for a new Road to be laid out from the South side of Schuylkill in Kingsess Township, into the present Road leading from the City of Philadelphia to Chester, near Crum Creek, was again laid before the Board and read, and the same being taken into consideration, it is ordered that Joseph Fox, Hugh Roberts, Samuel Roads, Daniel Williams, and John Lukins of Philadelphia County, and Henry Hale Graham, Joseph Gibbons, Samuel Levis,

and John Crosby of Chester County, do view the Grounds and Lands between the South side of Schuylkill near the Province House, and that part of the old Provincial Road where the same crosses Crum Creek, or thereabouts, and if they, or any six of them, think a new Road necessary, and of public utility, that they run out the Courses and distances of such a Road as they may judge most convenient and useful, and make their Report to the Governor and Council on or before the —— day of——— next, for their further Consideration, that they may do therein what shall appear to them most conducive to the Public Good, and for the better information of the Board, it is also ordered that the said Gentlemen, or any six of them, if they think proper to run out such a Road, do annex to their Report as particular an account as they can of the low Grounds, Marshes or Creeks, over which the same will pass.

The Governor then laid before the Board the petition of Richard Vandyke, and other Inhabitants of the Township of Lower Dublin, in the County of Philadelphia, setting forth that the said Richard Vandyke is much injured by the King's High way leading from Philadelphia to Bristol, which runs altogether through his Land, near the Line of John Holme's Land (opposite to the 9 Mile Stone), cutting a Triangular Strip therefrom, and thereby putting him under the necessity of making and maintaining a double Fence, and humbly praying that an order may be issued for viewing the premises, and that the Road be laid out and run along the Line dividing the said Richard Vandyke's and John Holme's Lands, so that the same be made strait. Which being read and considered, it is ordered that Jonathan Thomas, the present Overseer of the Highway for the said Township of Lower Dublin, together with William Parr, Joseph Redman, William Ashbridge and Leonard Shorecross, or any four of them, do view the Ground along the Line dividing the said Richard Vandyke's and John Holme's Land, and if they find that a good Road may be conveniently made along the said Line, without any Disadvantage or extraordinary Expence to the Public, that they lay the same out accordingly, so as to accomodate the said Richard Vandyke, and make a Return of the Course and Distance of such Alteration as may be made in the said Road, into the Secretary's Office, within six months from this Date, in order that the same may be confirmed by the Governor and Council.

At a Council held at Philadelphia, on Thursday 7th of December, 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c[a].

William Logan, Lynford Lardner, } Esquires.
Richard Peters, James Tilghman, }

The Governor acquainted the Board that he lately received at New-York, by the Packet, from the Honourable Thomas Penn and Richard Penn, Esquires, a new Commission under their Hands and Seals, dated the 24th of August last, continuing him Lieutenant Governor of this Province and three Counties on Delaware, from the first day of this Instant, December, (when his former Commission expired), until the first day of December, 1772, as also Copies of His Majesty's Orders in Council, dated the 15th day of September last, one declaring His Majesty's approbation of his appointment to the Government of the said Province and Counties, and the other containing His Royal Orders to the Governor of New-York, or any other of His Majesty's Governors in the Neighboring Provinces, for administering to him the several oaths required by Law to Qualify him for that Trust, and for taking the usual Security for his observing the Acts of Trade and Navigation. His Honour further acquainted the Board that, pursuant to the last mentioned order, he had waited on the Honourable Cadwallader Colden, His Majesty's Lieutenant Governor of New-York, had given the usual Security, and taken and subscribed before him at New-York the several oaths required by Law, to qualify himself for the Execution of his office of Lieutenant Governor of Pennsylvania, and the said Counties, a Certificate whereof, under Governor Colden's Hand and Seal at Arms, was laid before the Board as were likewise the Commission and His Majesty's Order aforesaid.

The Order of Council expressing His Majesty's approbation, and Governor Colden's Certificate, were ordered to be entered on the Minutes of Council, and are as follow, Viz[t]:

At the Court at St. James's, the 15th Day of September, 1769.

PRESENT:

[L. S.] "THE KING'S MOST EXCELLENT MAJESTY.

Duke of Marlborough, Richard Rigby, Esquire,
Viscount Weymouth, Sir Edward Hawke,
Viscount Barrington, George Onslow, Esquire.

"WHEREAS, His Majesty was pleased by his order in Council of the 8th of August, 1766, upon the Representation of Thomas Penn and Richard Penn, Esquires, Proprietaries of the Province of Pennsylvania and Counties of New-Castle, Kent, and Sussex, on

Delaware, in America, to approve of John Penn, Esquire, the Nephew of the said Thomas Penn, and Eldest Son of the said Richard Penn, to be Deputy Governor of the said Province for the Term of three years, to commence from the first day of December, 1766, and of the said three Counties of New Castle, Kent, and Sussex, during his Majesty's Royal will and pleasure only, under the Provisoes and Conditions therein mentioned: *And whereas*, the said Thomas Penn & Richard Penn have this Day represented to His Majesty at this Board, that they have nominated the said John Penn to be Deputy Governor of the said Province and Counties, from the first of December, 1769, (when his present Commission expires,) until the first Day of December, 1772, and therefore prayed His Majesty's Gracious Allowance and Approbation of the said John Penn, to be Deputy or Lieutenant Governor of the said Province and Counties. His Majesty taking the same into Consideration, is hereby pleased to approve of the said John Penn to be Deputy Governor of Pennsylvania, for and during the aforementioned Term of three years, to commence from the said first day of December next, and of the said three Counties of New Castle, Kent, and Sussex, during His Majesty's Royal will and pleasure only; provided the said Thomas and Richard Penn do make a Declaration, in such manner as hath been formerly made, relating to His Majesty's Right to the said three Counties, and that the said John Penn do give the usual Security for his observing the acts of Trade and Navigation as in the like Cases, and Qualify himself for that Trust, as required by Law. And in regard the said John Penn is at present in Pennsylvania, in the Execution of his Office of Governor of the said Province, His Majesty is therefore hereby pleased to Order that the said John Penn do give the Security above proposed, and likewise qualify himself for that Trust, before the Governor or Commander-in-Chief of His Majesty's Province of New York, for the Time being, or any other of His Majesty's Governor's of the neighbouring Provinces; And His Majesty doth hereby further order that the Lords Commissioners for Trade and Plantations, do prepare and lay before His Majesty at this Board, a Draught of such Instructions as have been usually given by His Majesty to the said Proprietaries on the like Occasions.

"STEPH. COTTRELL."

Here follows Governor Colden's Certificate:

"[*L.S.*] *Cadwallander Colden, Esquire, His Majesty's Lieutenant Governor and Commander-in-Chief of the Province of New York, and the Territories depending thereon in America:*

"*To all to whom these Presents shall come, Greeting:*

"*I do hereby Certify* and make known that, on the Day of the Date of these Presents, John Penn, Esquire, Deputy Governor of

the Province of Pennsylvania and Counties of New Castle, Kent, and Sussex, on Delaware, Personally came before me, and pursuant to His Majesty's Order in Council of the 15th Day of September last, took and subscribed the Oaths required by Law to be taken, and the Abjuration Oath mentioned in the Act of Parliament, made in the sixth Year of His Majesty's Reign, and also took an oath for the faithful Execution of his Office, and for the due observance of all the Acts of Trade and Navigation heretofore passed and now in force, relating to His Majesty's Colonies and Plantations, according to the true Intent and meaning thereof, so far as appertains unto him the said John Penn, Esquire, as Deputy Governor and Commander-in-Chief of the said Province and Counties.

"And I do further Certify that the said John Penn, Esquire, hath given bond to His Majesty, with good and sufficient Security, in the Penalty of two thousand Pounds Sterling, for his observing the said several Acts of Trade and Navigation, and obeying such Instructions relating thereto as shall be from time to time sent from His Majesty, or any acting under his Majesty's Authority, which Bond remains in my Hands, to be Transmitted to the Right Honourable the Lords Commissioners for Trade and Plantations comformable to His Majesty's Royal Commands, signified in His order of Council above mentioned.

"In Testimony whereof I have hereunto set my Hand and Seal-at-Arms, at Fort George, in the city of New York, the thirtieth day of November, in the year of our Lord one thousand seven hundred and sixty-nine, and in the tenth year of the Reign of Sovereign Lord George the third, King of Great Britain, &c^a.

"CADWALLADER COLDEN.

The Governor then, attended by his Council, the Mayor, Recorder, and Commonality of this City, (Who had Notice given them to attend on this occasion), and preceded by the Sheriff and His officers, went in Procession to the Court House, where the Commission and the Order of Council declaring His Majesty's Approbation, were read by the Secretary, in the Presence of a Concourse of People.

At a Council held at Philadelphia, on Friday the 22d of December, 1769.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

James Hamilton, Richard Peters, } Esquires.
James Tilghman, }

The Governor laid before the Board a Transcript of a Record of the Conviction of Cornelius Donnahy, for Felony and Murder, by

which it appeared that at a Court of Oyer and Terminer and General Goal Delivery, held at Carlisle for the County of Cumberland, on the 29th of November last, before John Lawrence and Thomas Willing, Esquires, two of the Justices of the Supream Court of the Province of Pennsylvania and of the said Court of Oyer and Terminer, the said Cornelius Donnahy was tried and Convicted of a Felony and Murder committed on the Body of a certain William King, and received Sentence of Death for the same.

The Board took this matter into consideration, and it appearing by the Report of the Judges to the Governor, that the said Cornelius Donnahy is an Atrocious Murderer, and deserves no Compassion, were of Opinion that the Sentence of the said Court should be put in Execution against him. The Governor accordingly signed a Warrant for the Execution of the said Cornelius Donnahy, at Carlisle, on Saturday the 13th Day of January next.

Mr. Hamilton acquainted the Board that in the Year 1750 he had received several Reports of the Slitting Mills, Plating Forges and Steel Furnaces, within this Province, made to him by the Sheriffs of Philadelphia, Bucks, Chester, and Lancaster Counties, pursuant to his Proclamation which he had issued the same Year, requiring them so to do, and that he had Transmitted a Certificate thereof to the Lords of Trade, agreeable to the Act of Parliament, but that as they had by some Mistake been omitted to be entered in the Council Books, he now laid them before the Governor and Council for that Purpose. The Board accordingly directed the Secretary to enter them on the Minutes of Council, and they are as follow, Viz^{t}:

"In Obedience to the Commands of the Honourable James Hamilton, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, &c^{a} by a Proclamation of the Sixteenth day of August last past, under the Governor's hand and the great Seal of the said Province, requiring and commanding the Sheriff of every County in the said Province, respectively, on or before the twenty-first Day of September Instant, to appear before him at the City of Philadelphia, and then and there by Writings under their Hands and Seals, to Certify and make known to him every Mill or Engine for Slitting and Rolling of Iron, every Plating Forge for working with a Tilt hammer, and every Furnace for making of Steel, which were erected within their respective Counties on the twenty-fourth day of June last past, and the Place and Places were the same were erected, with the Name of their Reputed Proprietor or Proprietors, and the Occupiers of them, and every of them, and whether they or any of them were used on the twenty-fourth day of June or not, as they and each of them will answer the Contrary at their Peril. I do humbly Certify that William Branson, of the City of Philadelphia, is Owner and Occupier of a Furnace for the making of Steel, erected within the City of Philadelphia, which was in use on or before the 24th day of June last

past. And that Stephen Paschall, of the said City, is Owner and Occupier of a Furnace for the making of Steel, erected within the City of Philadelphia aforesaid, which was in use on or before the 24th day of June last. And that John Hall, of the County of Philadelphia, is owner of a plating Forge to work with a Tilt Hammer, erected in the Township of Biburry, in the County aforesaid, which Forge is at present much Impaired and Decayed, and has not been in use for twelve Months past.

"The above contains a true account of all the Mills, Engines, Forges, and Furnaces within my Bailiwick.

"Witness my Hand and Seal in Philadelphia, the Sixteenth day of September, in the twenty-fourth Year of his Majesty's Reign, Anno. 1750.

"RICHARD SEWELL, Sheriff. [*L. S.*]
"Philadelphia County."

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To the Honourable JAMES HAMILTON, Esquire, Lieutenant Governor of the Province of Pennsylvania.

"May it please the Governor:

"As I am a Proprietor of a Furnace for making Steel, in Obedience to your Honour's Proclamation, I present the Condition thereof as follows:

"It was built in the Year 1747, on a Lot the North West Corner of Wallnut Street, and the Eighth Street of Delaware Front, in the City of Philadelphia, in the Province of Pennsylvania. It had been worked at, and was in good Working Order on the 24th day of June, one thousand seven hundred and fifty, There being then on the Spot, Wood, Coal, Iron, the converting Ingredients, and other Articles proper for making Steel.

"The Property is absolutely in Me, as I am ready to produce my Deed for the Ground, and the Testimony of the Workman who erected it for me.

"STEPHEN PASCHALL.

"September 18th, 1750."

—

"*Lewis Evans*, of the City of Philadelphia, a Gentleman, on his Solemn Oath on the Holy Evangelists, doth declare, That about two or three Years ago he was in the building commonly called Stephen Paschall's Steel Furnace, near Wallnut Street, in Philadelphia, where he saw the Furnace with Fire therein, and a man tending the Fire, with whom he had some discourse as about how long the Batch or Fire had been in, and some other Things about Steel, wherewith he supposed the Furnace then charged; That, tho' he had not then

an Opportunity to look so much into the Furnace as to see the Iron, he made no doubt but they were then converting Iron into Steel, as he was previously informed by the said Paschall of his design of erecting a Steel Furnace, and did soon after enquire, and was informed by him of his Success therein, which the Deponent was the more curious to know, as he thought it the first attempt of the said Paschall to make Steel in the large Way; *And* the Deponent further declares, that from the said Time to the 24th of June, 1750, and until this Day, the said Building, with the Furnace therein, was standing as a Furnace for making Steel, and not for any other use; And further this Deponent saith not.

"LEWIS EVANS.

"Philadelphia, September 20th, 1750."

—

"*Jacob Shoemaker*, of the City of Philadelphia, Spinning Wheel Maker, one of the People called Quakers, on his Solemn Affirmation doth declare that, in the Year 1747, he was well acquainted with Stephen Paschall's erecting a Steel Furnace near the North side of Wallnut Street, in the said City, and hath seen Fire burning therein, and blistered Iron drawn out thereof, proved and found to be Steel; And the said Affirmant further declares, that the said Steel Works, Furnace, or Oven, has been, to his Knowledge, standing from that Time to this Day.

"JACOB SHOEMAKER.

"Philadelphia, September 20th, 1750."

—

"*Thomas Shoemaker*, of the City of Philadelphia, Carpenter, one of the People called Quakers, on his Solemn Affirmation doth declare, That in 1747 he erected the Building or House inclosing the Steel Furnace of Stepen Paschall, near the North West Corner of Walnut and the eighth Streets, in the said City; That he hath several Times seen Fire burning therein, and a Proof Barr brought for trial of the Steel made therein, and blistered Iron, said to be Steel, brought out thereof; and that to his Knowledge, the said Furnace or Oven hath been Standing for making Steel, and no other use, from that time to this Day.

"THOMAS SHOEMAKER.

"Philadelphia, September 20th, 1750."

—

"*Be it known*, that before me, Thomas Lawrence, Esquire, Mayor of the City of Philadelphia, Lewis Evans, Jacob Shoemaker, and Thomas Shoemaker, Persons of Good Credit, and worthy of Belief,

who were respectively sworn and affirmed to the above Affidavits; As Witness my Hand and Seal this 20th of September, 1750.

"THOMAS LAWRENCE, Mayor. [*L. S*]"

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"*To the Honourable JAMES HAMILTON, Esquire, Lieutenant Governor of the Province of Pennsylvania, and Counties of Newastle, Kent, and Sussex, on Delaware.*

"I, Joseph Hart, High Sheriff of the County of Bucks, in the said Province, in Obedience to your Honour's Proclamation, dated the 16th day of August last past, do humbly certify and make known to your Honour, that after diligent enquiry by me made throughout my Bailywick, I find there are no Mills or Engines for Slitting and Rolling of Iron, or Plateing Forge to work with a Tilt Hammer, or Furnace for making of Steel, which were erected within the County of Bucks aforesaid, on the 24th day of June last, or at any time since, to my Knowledge; all which is humbly submitted to your Honour.

"Given under my Hand and Seal at Newtown, in the County of Bucks, the twentieth day of September, in the Year of our Lord one thousand seven hundred and fifty, and in the twenty-fourth Year of His Majesty's Reign.

"JOSEPH HART, Sheriff. [*L. S*]."

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"*To the Honourable JAMES HAMILTON, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of New Castle, Kent, and Sussex, on Delaware.*

"I, John Owen, Sheriff of the County of Chester, in the said Province, do certify and make known, That there is but one Mill or Engine for Slitting and rolling of Iron within the County aforesaid, which is situate in Thornbury Township, and was erected in the Year one thousand seven hundred and forty-six, by John Taylor, the present proprietor thereof, who, with his Servants and Workmen, has ever since, until the twenty-fourth day of June last, used and occupied the same. *And* I do hereby further Certify that there is not any Plating Forge to work with a Tilt-Hammer, nor any Furnace for making of Steel, within the said County of Chester.

"*In Witness* whereof, I have hereunto set my Hand and Seal, this eighteenth Day of September, in the Year of our Lord one thousand seven Hundred and fifty.

"JOHN OWEN, Sheriff. [*L. S*]."

"To the Honourable the Governor of Pennsylvania:

"May it please the Governor:

"On receipt of your Honour's Proclamation relating to slitting Mills, &c., I immediately published it and made it my Business to enquire whether there were within this County any such mills as are there described; and on the strictest enquiry, I do hereby Certify to your Honour, that there is not within the County of Lancaster any Mill or Engine for Slitting and Rolling of Iron, or any plating Forge to work with a Tilt-Hammer, or Furnace for making of Steel.

"*Witness* my Hand and Seal, this third Day of September, in the Year one thousand seven hundred and fifty.

"ANDREW WORK, Sheriff. [*L. S*]"

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MEMORANDUM.

The Governor, while he was at New Castle in June last, received a Letter from the Earl of Hillsborough, one of His Majesty's principal Secretaries of State, dated the 24th of March last, inclosing two Orders of Council respecting the passing of several Laws of this Province, in September 1767, and February 1768, which having been omitted to be entered in their proper place, are as follows, Viz^{t}:

(No. 19.)

"WHITEHALL, March 24th, 1769.

"Sir:

"Inclosed I send you an Order of His Majesty in Council, on the sixth Instant, approving several Laws of Pennsylvania, passed in the Months of September 1767, and February 1768; and also another Order of His Majesty in Council on the same day, approving a Report made upon these and other Laws of Pennsylvania, by the Lords of the Committee, in which Report, as recited in the Order, you will see their Lordships' Observations upon two Laws, concerning the propriety of which some doubts had occurred; and I am, pursuant to the said Order, to signify to you that the Law therein referred to for raising Money by Lottery, is suffered to remain in force from no other consideration but that of its having been in part carried into Execution, and that as His Majesty does entirely disapprove of any Laws being passed in the Colonies for raising Money by Lottery, it is therefore His Majesty's Pleasure that you do not, upon any pretence whatever, give your Consent to any future Act of that Nature, without having previously received His Majesty's Royal Permission for that purpose, upon a full rep-

resentation made to His Majesty of the reason and Necessity for enacting such Law.

"I am with great Regard, Sir,
"Your most obedient Humble Servant,
"HILLSBOROUGH.

"Deputy Governor PENN."

—

At the Court at St. James', the 6th Day of March, 1769.

PRESENT:

[*L. S.*] THE KING'S MOST EXCELLENT MAJESTY.

Lord President,
Duke of Queensberry,
Earl of Dembigh,
Earl of Sandwich,
Earl of Rochford.
Viscount Weymouth,
Viscount Falmouth,
Viscount Barrington,
Richard Rigby, Esquire.

WHEREAS, there was this Day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs, dated the 18th day of last Month, in the words following, Viz^{t}:

"Your Majesty having been pleased by your order in Council of the 23rd day of November last, to refer unto this Committee twelve Acts passed in the Province of Pennsylvania, in September 1767, and February 1768, entituled as follows," Viz^{t}:

N^{o}. 1. "An Act to enable the Managers of the Contributions for the Relief and Employment of the Poor in the City of Philadelphia, to borrow the further Sum of three thousand Pounds."—Passed 26th September, 1767.

N^{o}. 2. "An Act for obliging Sheriffs and Treasurers of the several Counties within this Province, and the Collector of the Duties on Tonnage, to give sufficient Sureties for the faithful Execution of their Trust."—Passed 26th September, 1767.

3. "An Act for the support of the Government of this Province, and Payment of the Public Debts.—Passed Do.

4. "An Act to remove the Persons now settled, and to prevent others from settling, on any Lands in this Province not purchased by the Indians."—Passed the third of February, 1768.

5. "An Act for raising and applying the Sum of three thousand Pounds towards removing the present discontent of the Indians, regaining their Friendship, and for other purposes therein mentioned."—Passed 17th February, 1768.

6. "An Act to continue An Act entituled 'An Act for laying a Duty on Negroes and Mulatto Slaves imported into this Province,'" And another Act entituled "a Supplement to An Act entituled 'An Act for laying a Duty on Negroes and Mulatto Slaves imported into this Province.'"—Passed 20th February, 1768.

7. "An Act to amend the Act entituled 'An Act for the better Employment, Relief, and support of the Poor within the City of Philadelphia, the District of Southwark, the Township of Moyamensing and Passyunk, and the Northern Liberties.' "—Passed Do.

8. "An Act for appropriating a Sum of Money for building the Middle House on the West side of the Barracks, in the Northern Liberties of the City of Philadelphia."—Passed Do.

9. "An Act for incorporating the Society known by the Name and Stile of the Philadelphia Contributionship for the insuring of Houses from Loss by Fire; to ratify and confirm the Articles of Agreement of the Contributors, and to enable them to make suitable Bye-Laws for the better Management and Prosecution of their said design."—Passed Do.

10. "An Act to enable the Owners and Possessors of a certain Tract of Marsh and Meadow Land therein described, situate in the County of Chester, to keep the Banks, Dams, Sluices and Flood-Gates in Repair, and to raise a Fund to defray the Expence thereof."—Passed Do.

11. "An Act for regulating the Fishery in the River Brandywine."—Passed Do.

12. "An Act for raising by way of Lottery, the Sum of five thousand two hundred and fifty pounds for purchasing a public Landing in the Northern Liberties, and paving the Streets of Philadelphia."—Passed Do.

"The Lords of the Committee, in obedience to your Majesty's said Order of Reference, did on the 16th of December last, take the said Acts into their Consideration, and thought proper to refer the same to the Lord's Commissioners for Trade and Plantations, who have reported thereupon to this Committee:

"That the above twelve Acts passed in the Province of Pennsylvania, had been enacted for purposes of Domestic Economy and Convenience, and from such opinion as they were able to form upon the Matter, it did not appear to them that any of the above number were liable to objection in point of Law, and they have no observations whatsoever to submit respecting either the principles upon which they have been framed, or the Regulations which they make, except in the two following cases.

"That the first of these respects the Act for raising a certain Sum of Money by Lottery, That this Method of establishing Provincial Lotteries, and raising Money thereby for Domestic purposes and Improvements, has been frequently practiced, and Acts of Assembly for that purpose have been allowed. Nevertheless, altho' the application of the sum proposed to be raised by the Lottery projected in the said Act, did appear to be directed to purposes evidently commodious and beneficial, they could not omit observing that this is a practice which in their opinion ought by no means to be encouraged, as obviously tending to disengage and mislead Adventurers therein from Industry and Attention to their proper

Callings and Occupations, and introduce a Spirit of Dissipation prejudicial to the Fortunes of Individuals, and the Interests of the Public.

"That the other observation submitted respects the Act for Regulating the Fishery in the River Brandywine:

"That this Act is for laying open the Fishery of the above River to all Persons inhabiting the Country adjacent thereto, under certain Restrictions; Prohibiting under severe Penalties all Persons from making and erecting any Dams or obstructions, or fixing any Nets across the Stream of the said River, whereby the Fish may be obstructed from going up the same. By this and other Prohibitions contained in this Act, it is obvious that the Rights of private Persons claiming exclusive property on the said River may be affected. That it does not however appear from any Information they had received that any of your Majesty's Subjects had suffered under this supposed Predicament, nor were they apprized of any Applications or Complaints whatever having been made relative to the above Regulations, either in the Province at or before the Time of passing the above Act, or since its Transmission hither; they therefore submit it to this Committee to give such advice to Your Majesty touching the Confirmation or Repeal of this Law as shall be thought fit.

"The Lords of the Committee upon Consideration thereof, do agree humbly to Report to your Majesty as their Opinion, that as to the Ten first mentioned Acts, their Lordships have no Objection to your Majesty's signifying your Royal Approbation and Confirmation of them That as to the Act (No. 11), entituled "An Act for regulating the Fishery in the River Brandywine," their Lordships are of Opinion the same should be suffered to remain in force, in regard no Application has at any Time been made against the said Act, whereby it might have appeared that any of your Majesty's Subjects would suffer by it. And with respect to the Act (No. 12), entituled "An Act for raising by way of Lottery the Sum of five thousand two hundred and fifty pounds, for purchasing a public Landing in the Northern Liberties, and paving the Streets of the City of Philadelphia," their Lordships are of Opinion that the same should likewise be suffered to remain in force, in regard it may already have proceeded to have effect in part, but that it may be adviseable for your Majesty to order the Earl of Hillsborough, one of your Majesty's Principal Secretaries of State, to write to the Lieutenant Governor of the Province of Pennsylvania, acquainting him with the above Reason why the said Act is suffered to remain in force, and further signifying your Majesty's Total Disapprobation of any Acts of that Nature, as highly improper in any of the Provincial Settlements, and therefore, strictly enjoining the said Lieutenant Governor, on no pretence whatever to give his Consent to any future Act for raising any sum or sums of Money by way of Lottery without previously writing home to know your Majesty's

pleasure therein, and fully stating the several Reasons which may appear to him to make the passing such act adviseable.

His Majesty taking the said Report into Consideration, was pleased with the advice of his Privy Council to approve of what is therein proposed, and accordingly to signify his Royal Approbation of the Ten first mentioned Acts, and as to the eleventh and twelfth of the said Acts, for regulating the Fishery in the River Brandywine, and for raising the Sum of five thousand two hundred and fifty pounds by way of Lottery, His Majesty is graciously pleased to permit the said Acts to remain in force, and doth hereby Order that the Right Honourable the Earl of Hillsborough, one of his Majesty's Principal Secretaries of State, do write to the Lieutenant Governor of the Province of Pennsylvania, acquainting him with the Reason which has induced His Majesty to permit the said last mentioned Act to remain in Force, and further signifying His Majesty's total Disapprobation of any Acts of that Nature, as highly improper in any of the provincial Settlements; And therefore, strictly enjoining the said Lieutenant Governor, on no pretence whatever to give his Consent to any future Act for raising any future Sum or Sums of Money by way of Lottery, without previously Writing to know his Majesty's pleasure therein, and fully stating the several Reasons which may appear to him to make the passing such act adviseable.

"W. BLAIR."

At the Court of St. James's, the 6th day of March, 1769.

[L. S.] PRESENT:

THE KING'S MOST EXCELLENT MAJESTY.

Lord President,
Duke of Queensberry,
Earl of Denbigh,
Earl of Sandwick,
Earl of Rochford,
Viscount Weymouth,
Viscount Falmouth,
Viscount Barrington,
Richard Rigby, Esquire.

WHEREAS, in pursuance of the Powers granted to the Proprietaries of the Province of Pensilvania, by Letters patent under the Great Seal, the Deputy Governor, Council and Assembly of the said Province, did in the Months of September 1767, and February 1768, pass ten Acts, which have been Transmitted, and are entituled as follow, viz^{t}:

"An Act to enable the Managers of the Contributions for the Relief and Employment of the Poor in the City of Philadelphia, to borrow the further Sum of three thousand Pounds."—Passed the 26th of September, 1767.

"An Act for obliging Sheriffs and Treasurers of the several Counties within this Province, and the Collector of the Duties on

Tonnage, to give sufficient sureties for the faithful Execution of their Trust."—Passed Ditto.

"An Act for the support of the Government of this Province and payment of the Public Debts."—Passed Ditto.

"An Act to remove the Persons now settled and to prevent others from settling on any Lands in this province not purchased of the Indians."—Passed the 3rd of February, 1768.

"An Act for raising and applying the sum of three thousand pounds toward removing the present discontent of the Indians, regaining their Friendship, and for other purposes therein mentioned." Passed the 17th of February, 1768.

"An Act to discontinue An Act entituled 'An Act for laying a Duty on Negroes and Mulatto Slaves imported into this Province;' and another Act entituled 'a Supplement to An Act entituled An Act for laying a Duty on Negroes and Mulatto Slaves imported into this Province'"—Passed the 20th February, 1768.

"An Act to amend the Act intituled 'An Act for the better Employment, Relief and Support of the Poor within the City of Philadelphia, the District of Southwark, the Townships of Moyamensing, and Passyunk and the Northern Liberties,"—Passed Ditto.

"An Act for appropriating a Sum of Money for building the Middle House on the West side of the Barracks in the Northern Liberties of the City of Philadelphia."—Passed Ditto.

"An Act for incorporating the Society known by the Name and Stile of the Philadelphia Contributionship, for the insuring of Houses from Loss by Fire, to ratify and confirm the Articles of Agreement of the Contributors, and to enable them to make suitable Bye Laws for the better Management and prosecution of their said Design."—Passed Ditto.

"An Act to enable the owners and possessors of a certain Tract of Marsh and Meadow Land therein described, situate in the County of Chester, to keep the Banks, Dams, Sluices and Flood Gates in repair, and to raise a Fund to defray the Expence thereof."—Passed Ditto.

"His Majesty this day took the said Acts into Consideration, and having received the opinion of the Lords Commissioners for Trade and Plantations, and also of a Committee of the Lords of His Majesty's most Honourable Privy Council, thereupon, is hereby pleased to declare his Approbation of the said Acts; And pursuant to His Royal pleasure thereupon expressed, the said Acts are hereby confirmed, finally enacted, and ratified accordingly; Whereof the Deputy Governor, Council and Assembly of the said Province, and all others whom it may concern, are to take Notice and govern themselves accordingly.

"W. BLAIR"

Tuesday the 2d of January, 1770.

MEMORANDUM.

Two Members of Assembly waited on the Governor, and acquainted him that the House had met pursuant to their adjournment, and requested to know if His Honour had any Business to lay before them; to which the Governor replied, that he had nothing at present to lay before them, but that as soon as he had, he should communicate the same to the House.

At a Council held at Philadelphia, on Tuesday the 9th of January, 1770.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c[a].

William Logan, Benjamin Chew, Richard Peters, James Tilghman, Lynford Lardner, } Esquires.

The Governor laid before the Board a Letter from Sir Henry Moore, late Governor of New York, dated the 11th of June, 1769, inclosing a Copy of the Regulations proposed to be made by the Assembly of that Province respecting the Indain Trade, and recommended to the consideration of the Legislature of this Province and Quebec, which were read, and are as follow, Viz[t]:

"FORT GEORGE, June 11th, 1769.

"Sir:

"The inclosed Paper is a copy of the Regulations which the House of Assembly of this Province proposed to make in regard to the Indian Trade, provided the Provinces of Canada and Pennsylvania shall approve of the same, and concur with them in passing such Laws as will be necessary to carry the Plan into Execution.

"I have been desired by the House of Assembly to transmit their Proposal to the Governors of Canada and Pennsylvania, and at the same Time to request that the Sentiments of the Legislatures of those Provinces might be had on a Subject of so much importance.

"I have the Honour to be,

"with great Truth and Regard, Sir,

"Your Excelleny's most Obedient and Humble Servant,

"H. MOORE.

"His Excellency JOHN PENN, Esquire."

Here follows the Proposals, Viz[t]:

"That this Colony impose a Duty of one Shilling Currency per Gallon on all Rum or distilled Liquor sold at Niagara, and three

per cent. on all dry Goods sold at Niagara and Detroit; That the Colonies of Pennsylvania and Quebec do the like.

"That the Duties arising on all Goods sold at either of the above places, be applied for supporting the Trade there, in such manner as shall be directed by Acts of this Colony.

"That the Colony of Quebec impose a Duty of ———— on all Rum or Distilled Liquor sold at Carrilon, and a Duty of ——— per Cent. on all dry Goods sold at Carrilon, Missilimackinack, and any other Post where there is a Garrison.

"That the Colonies of Pennsylvania and New York pass a like Act.

"That the Duties arising on all Goods sold at either of the above places, or such other Post where there is a Garrison, be applied for supporting the Trade there, in such manner as shall be directed by the Colony of Quebec.

"That the Colony of Pennsylvania impose a Duty of ——— per Gallon on all Rum or other Distilled Liquors sold at Pittsburgh, and a Duty of ——— per Cent. on all dry Goods sold at Pittsburgh, Illinois, or any other place or Post where there is a Garrison.

"That the Colonies of Quebec and New York pass a like Act.

"That the Duties arising on all Goods sold at either of the above places, or any other place or post where there is a Garrison, be applied for supporting the Trade there, in such manner as shall be directed by the Colony of Pennsylvania.

"That an Act be passed by each of the three mentioned Colonies to prohibit Rum being carried any farther than Niagara, Pittsburgh, and Carrilon (except a certain allowance to the Traders and their Servants for their own use). That the Acts provide for one or more Commissioners in each of said Colonies, with whom all Traders shall enter their Goods, and give Security for paying the Duties; That such Commissioners or Commissioner, in the Colony of New York, shall Transmit all the Duties he receives from Traders going to Trade at any of the Posts under the Direction of Pennsylvania or Quebec, to the Commissioner or Commissioners of the said Colonies.

"That the Commissioners of Canada and Pennsylvania do the like with respect to New York and to each other."

The Board taking this matter into Consideration, were of opinion that the Letter, with its inclosure, should be laid before the Assembly, and the matters therein contained enforced by a Message to the House, which Mr. Chew and Mr. Tilghman were appointed to draw up.

It is agreed that a proclamation be issued for the Continuance of all Magistrates, and other Officers in the province and lower Counties, till the Governor's further pleasure be made known, which was immediately prepared and is as follows, Viz^t:

"*By the Honourable JOHN PENN, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of New Castle, Kent, and Sussex, on Delaware:*

"A PROCLAMATION.

"WHEREAS, The Honourable Thomas Penn, and Richard Penn, Esquires, true and absolute proprietaries and Governors in Chief of the Province of Pennsylvania, and Counties of New Castle, Kent, and Sussex, on Delaware, have been pleased, by their Commission, under their Hands and Seals, bearing Date the twenty-fourth day of August last, to constitute and re-appoint me to be their Lieutenant Governor of the said Province and Counties, with all necessary powers and Authority for the well governing of the same, which said Appointment the King's most excellent Majesty, in a Council held at St. James's the fifteenth Day of September last past, was graciously pleased to allow and approve of: Therefore, in pursuance of the said Trust in me reposed, having a special Regard to the safety of the State and Government of the said Province and Counties, and to prevent Failures in the administration of Justice therein, I have, by and with the Advice of the Council of the said Province and Counties, thought fit to Ordain, and do hereby Ordain and declare, that all Orders and Commissions whatsoever relating to the Government of the said Province and Counties, heretofore lawfully and rightfully issued, which were in force on the thirty-first day of October last, shall be, continue, and remain in full Force, power, and Virtue, according to their respective Tenors, until my further pleasure shall be known therein; and that all Persons whatsoever, who on the thirty-first day of October last, held or enjoyed any office of Trust or profit in the said Province and Counties, by Virtue of any such Commission as aforesaid, shall continue to hold and enjoy the same until they shall be determined by me, as aforesaid, or by other sufficient Authority; And I do hereby further command and require all Magistrates, Officers, and Commissioners, whatsoever, in whom any public Trust is reposed in the Government of the said province and Counties, that they diligently proceed in the Performance and discharge of their respective Duties therein, for the safety, peace, and well being of the same.

"*Given* under my Hand & the Great Seal of the said Province, at Philadelphia, the ninth day of January, in the tenth Year of the Reign of our Sovereign Lord George the third of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, and in the Year of our Lord one thousand seven hundred and Seventy.

"JOHN PENN.

"By His Honour's Command,
"JOSEPH SHIPPEN, Jun^r^ Secretary.
"GOD SAVE THE KING."

A Member of Council then represented to the Board that several of the Magistrates named in the last Commission of the peace for Kent County are Dead, and others had refused to Qualify; it was therefore thought necessary to issue a new Commission for that County, and to add thereto the names of the five following persons, who were recommended as well qualified to be in the Magistracy, viz^{t}: Thomas Rodney, Warner Mifflin, James Boyer, Thomas Hanson and Jonathan Emerson, and the Secretary was directed to make out a Commission accordingly.

It is agreed that the Council meet every Monday morning at 10 o'clock, during the Winter Session of Assembly, for the more regular and speedy dispatch of Business.

At a Council held at Philadelphia, on Monday the 15th of January, 1770.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}.

William Logan, Benjamin Chew, } Esquires.
Richard Peters, James Tilgham, }

Mr. Chew and Mr. Tilghman laid before the Board a Draft of a Message to the Assembly, which was read, and being approved, ordered to be transcribed and carried to the House this afternoon, with the several papers therein referred to: the Message follows in these words, viz^{t}.

A Message from the Governor to the Assembly.

"Gentlemen:

"I have ordered the Secretary to lay before you a Letter I received from Sir Henry Moore, deceased, late Governor of New York, inclosing a Plan framed by the Assembly of that Province for regulating the Indian Trade, which they propose to carry into Execution, provided the Legislatures of this province and Canada approve the same, and will concur with them in passing Laws for that purpose. This Regulation I apprehend, was framed in Consequence of the Earl of Hillsborough's Letter of the 15th of April, 1768, to the several Governors, inclosing a Report of the Lords of Trade upon Indian Affairs, and his Majesty's declaration thereon, to transfer the management of those matters from the Superintendants to the Legislatures of the several Colonies, which I laid before the Assembly in my Message of the 16th of January, 1769, and to which I refer you. It was late in Session before I had it in my power to lay them before that Assembly, which I conclude was the Reason they did not then take any Steps towards answering the Royal Expectation. I have since that time received from his Excellency, Major General

Gage, Commander in Chief in America, two Letters upon the same Subject, the one dated the 24th March, 1769, & the other the 16th April, 1769, which I have also ordered to be laid before you, by which you will perceive that Sir William Johnson, His Majesty's Superintendant for the Northern District, in pursuance of His Majesty's Commands, has found himself under a necessity of discharging the Commissaries and other offices by him appointed in posts and Forts in the interior Country; so that the Indian Trade at present remains entirely without Regulation, for want of proper Officers to superintend it.

"I am persuaded, Gentlemen, I need not labour to convince you of the Importance of this Object, nor how necessary it is for the Welfare of the Province to cultivate a pacific and friendly disposition in the Indians towards us; nor can I doubt but that You must be thoroughly sensible that proper Regulations of our Trade with them, in order to prevent Impositions on them, must be the most likely means of preserving a good Understanding with them; Indeed, the present interruption of Commerce between this Province and the Mother Country, has, in a great measure, put a stop to our Trade with the Natives, and may be productive of very unfavourable Alarms and Apprehensions on their side, unless some Steps be taken by the Legislature to restore the Trade.

"Another Source of Indian Disturbance is, the making of Settlements, marking Trees, and Surveying upon their unpurchased Lands; and as a general Boundary has lately been Settled between those People and his Majesty's Subjects, it will be very proper, in my Opinion, to secure a due regard to it by Laws to restrain and punish such offensive Proceedings.

"I flatter myself, Gentlemen, that you will at once see the Importance of the matters I have touched upon, and that You will take them into Your immediate and most serious Consideration, and proceed to the framing of Laws adequate to the Evils intended to be remedied, in which you may be assured of my hearty Concurrence.

"JOHN PENN.

"January 15, 1770."

The Governor laid before the Board two Bills sent up by the Assembly for his Concurrence, entituled as follows, Viz^t.

1. "An Act for the sale of Goods distrained for Rent, and to secure such Goods to the persons distraining the same, for the better security of Rents, and to prevent Frauds and abuses committed by Tenants."

2. "An Act for punishing wicked and evil disposed Persons going armed in Disguise, and doing Injuries and Violences to the Persons and Properties of His Majesty's Subjects within this Province, and for the more speedy bringing the Offenders to Justice." Both which were read and considered, and several Amendments being

made to them were ordered to be returned to the Assembly with the same.

The Secretary having by the Governor's Directions prepared a Proclamation, offering a Reward of fifty pounds for apprehending and prosecuting to Conviction Joseph Billings, who is charged with Counterfeiting the Bills of Credit of this Province, The same was laid before the Board, agreed to, and ordered to be published in the several News-Papers. The Proclamation was immediately issued, and follows in these Words, Viz^t:

"*By the Honourable JOHN PENN, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, and Sussex, on Delaware.*

"A PROCLAMATION.

"WHEREAS, I have received Information from the Chief Justice, that a certain Joseph Billings stands charged before him with feloniously forging and counterfeiting the Bills of Credit of this Province, and passing the same, to the great Injury and Deceit of His Majesty's liege Subjects. *And whereas*, the Endeavours hitherto used for apprehending the said Billings have been ineffectual, and it is highly expedient for the Discouragement of such pernicious and villainous Crimes, that the said Joseph Billings should be brought to exemplary punishment. I have therefore thought fit, with the advice of the Council, to issue this my Proclamation, hereby promising and engaging to pay the Public Reward of Fifty Pounds to any Person or Persons who shall discover, apprehend and secure the said Joseph Billings, so that he be prosecuted to Conviction. His person is very remarkable, being six feet five inches high, long necked and raw Boned; he is about fifty years of Age, and a Silver Smith or Watch-maker by Trade, but often passes by the name of Doctor Billings. He has formerly been committed to several Prisons in this and the neighboring Provinces, for practices of the same kind. And I do hereby strictly charge and enjoin all Judges, Justices, Sheriffs, Constables, Officers Civil and Military, and all other His Majesty's faithful and liege Subjects within this Government, to make diligent search and Enquiry after the said Joseph Billings, and to use all possible means to apprehend and secure him in one of the Public Goals of this Province, that he may be proceeded against according to Law.

"*Given* under my Hand and the Great Seal of the said Province, at Philadelphia, the fifteenth day of January, in the Year of our Lord one thousand seven hundred and seventy, and in the tenth Year of His Majesty's Reign.

"JOHN PENN.

"By His Honour's Command,
"JOSEPH SHIPPEN, Junior, Secretary.

"GOD SAVE THE KING."

Several Indians lately come to Town from Diahogo, on the Susquehanna, a few Days ago represented to the Governor their Poverty and distressed Situation for want of Cloathing, and Petitioned him for Relief. The Board advised the Governor to recommend it to the Assembly to supply their wants, and also to make Provision for defraying such like Indian Expences in future.

His Honour therefore sent to the House the following Verbal Message by the Secretary, Viz^{t}:

A Verbal Message from the Governor to the Assembly.

"Sir:

"The Governor commands me to acquaint the House that several poor Indians are come to Town from the Upper Parts of Susquehanna, to petition for some Cloathes and Necessaries, of which they are almost destitute. His Honour therefore requests the House will order their present Wants to be supplied; and as such occasions frequently occur, that they will also provide a Fund for any future Expences of the same kind.

"January 15th, 1770."

At a Council held at Philadelphia, on Monday the 22d of January, 1770.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}

Richard Peters, Benjamin Chew, } Esquires.
Lynford Lardner, }

One of the Members of Council acquainted the Governor that a Negro Man was confined in the Goal of Chester County, for an attempt of a Rape, and that there was no Commission in Force for Trying him. His Honour therefore, with the Advice of the Council, issued a commission appointing William Parker and Richard Reily, Esquires, Justices for holding Courts in that County for the Trial of Negroes, according to Law.

At a Council held at Philadelphia, on Tuesday the 30th of January, 1770.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &^{ca}.

William Logan, Benjamin Chew, } Esquires.
Richard Peters, James Tilghman, }

The Governor laid before the Board a Bill sent up last Week by the Assembly for his Concurrence, entituled "An Act for Striking

the Sum of £120,000 in Bills of Credit, to be emitted on Loan, and providing a circulating Medium of Commerce and Industry within this Province," which was read and Considered, and ordered to be returned to the Assembly, with the following Amendments, Viz^{t}:

Amendments, Viz^{t}:

1st. Page 4, Line 5th. After the name [Samuel Preston Moore] add the Words [Amos Strettell and].

2d. Same Pa. Line 6. Dele the Words [and John Wilkinson].

3. Page 5, Lines 4, 5, 6. Dele the Words [This Bill shall be accepted by the Trustees of the General Loan Office, in all Debts and Demands due to the Province for the Sum of,] and instead thereof insert as follows, Viz^{t} [This Indented Bill of ———— when paid to the Trustees of the General Loan office, shall be a Discharge on any Mortgage or Bond made to the said Trustees of the like Sum of————————].

4th. Page 12, Line 6 &c^{a}. Dele from the word [Trustees] in the sixth Line, to the Word [in] in the tenth Line, and instead thereof insert as follows, Viz^{t}: [hereinbefore appointed or hereafter to be appointed, during the Continuance of this Act, another fit person or persons shall be nominated and appointed by the Governor and Assembly of this Province, unless such Death shall happen at a Time when there may be no Lieutenant Governor appointed to this Province, in which Case another fit person or persons shall be appointed by the Assembly, and not otherwise].

5th. Page 14, Line 10. After the Word [Province] add the words [two or more sufficient Sureties, such as the Governor shall approve of].

6. Page 17, Line 4. After the word [well] add the word [as].

7. Same page, Line 5. Dele the Words [of the Titles].

8. Page 31, Line 11. After the Word [the] insert the words [Governor and].

9. Page 33, Line 10. After the word [the] insert the words [Governor and].

10. Page 34, Line 1. Dele the words [hereof or].

11. Same page, Line 2. Dele the words [heretofore taken or].

12. page 38, Lines 8 & 9. After the word [Practice] insert the following Clause, Viz^{t}: [Provided, nevertheless, and it is hereby declared, that nothing in this act contained shall extend, or be construed to make the Bills of Credit hereby directed to be emitted, a legal Tender in payment of any Bargains, Contracts, Debts, Dues, or Demands, Whatsoever].

13. Same page, Line 13. Dele the words [made current] and insert the words [directed to be emitted.]

January 30th, 1770.

Then was also read and considered A Bill which was sent up by the House for the Governor's Concurrence, entituled "An Act for

incorporting the Society formed for the Relief of Poor, Aged, and Infirm Masters of Ships, their Widows and Children," to which the two following Amendments were made, and ordered to be returned to the House with the Bill, Viz^{t}:

1st. Page 10, Line 12. After the Word [Meeting], insert the Words [and shall also be approved of by the Chief Justice, the Speaker of the Assembly, and the Attorney General of this Province for the Time being, under their Hands and Seals].

2ond. Page 11, Lines 5 & 6. Dele the Words [and that the said Election shall be held on the said first Monday, January].

At a Council held at Philadelphia, on Monday the 5th of February, 1770.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}.

William Logan, Richard Peters, Lynford Lardner, Benjamin Chew, James Tilghman, } Esquires.

The Governor laid before the Board a Bill sent up by the Assembly for his Concurrence, entituled "An Act to prevent any Person from being chosen a Member of Assembly for any City or County within this Province, except he be a Resident in such City or County, and to enable the Inhabitants of the Counties of Berks and Northampton to chuse two Representatives for each of the said Counties," which was read and considered, and ordered to be returned to the Assembly with the following Amendments, Viz^{t}:

Amendment 1st. Dele from the Word [Act] in the first Line of the Title, to the Word [to] in the sixth Line.

2ond. Dele from the Word [Whereas] inclusive, in the Ante penult Line of page 1, to the Word [Assembly] inclusive, in the 9th Line of Page 2.

3rd. Dele from the Word [that] inclusive, in the 4th Line of Page 3, to the Word [aforesaid] inclusive, in the 8th Line of Page 4.

February 5th, 1770.

The Governor then laid before the Board two other Bills which he received from the Assembly, entituled "An Act for preventing Frauds and Abuses in Gold and Silver Wares made and sold in this Province," and "An Act for erecting a public Market Place on Callowhills, in the Northern Liberties of the City of Philadelphia, and for other purposes therein mentioned," both which were read and considered, and the Secretary directed to return them to the House, with a Message that the Governor could not agree to pass them into Laws.

At a Council held at Philadelphia, on Friday the 9th of February, 1770.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c[a].

William Logan, Richard Peters, Benjamin Chew, James Tilghman, } Esquires.

The Secretary presented to the Board a Petition from sundry Inhabitants of this Province, setting forth, "That on a late view of the Country, it has been found that a good Waggon Road may be easily made at a Moderate Expence, from Fort Augusta to Ellis Hughes's Saw Mill, on the navigable part of Schuylkill, about 30 Miles above Reading, there being few Obstructions in the Way from Mountains or Creeks, and the Distance not above forty, or at most, forty-five Miles. That the opening so good a Communication by Land from the Junction of the East and West Branches of Susquehanna to Schuylkill, will afford the most advantageous Route for carrying on a Trade with the Northern and Western Indians, and likewise be the means of bringing all the Produce of the rich Lands lying on and near those extensive and Navigable Waters, at a cheap Rate, to the City of Philadelphia, thereby greatly conducing to enhance the Value of those Lands, encourage the Settlement and improvement of the back Country, and promote the Commercial Interest of the City and Province, and therefore praying the Governor and Council to appoint proper Commissioners to View the Grounds, and lay out a Public Road from Schuylkill aforesaid, near the said Ellis Hughes's Saw-Mill to Fort Augusta, and to advise and Order measures to be taken for opening and clearing the same"

The Board taking the said Petition into Consideration, and being of Opinion that such a Road will be of great Public Utility, It is Ordered that George Webb, Esquire, Jonathan Lodge, Henry Miller, Henry Shoemaker, John Webb, Isaac Willets, and Job Hughes, or any four of them, do View and lay out a Road from Schuylkill, near the said Ellis Hughes's Saw Mill, in the most convenient and direct Courses, through the County of Berks to Fort Augusta, and to make a Return of the Courses and Distances, with a Draught of the same, into the Provincial Secretary's Office, with all convenient Speed, in Order to be confirmed by the Governor and Council, if the same shall be approved.

The Governor then laid before the Board an Answer which he received last Week from the Assembly, to his Amendments to the Bill for Striking £120,000 in Bills of Credit, to be emitted on Loan, together with the Bill sent up therewith, Viz[t]:

Answer to the Governor's Amendments to the Bill entituled "An Act for Striking the Sum of one hundred and twenty thousand Pounds in Bills of Credit, to be emitted on Loan, &ca."

Amendments 1st & 2d. The House agree to leave out the Name [John Wilkinson], and instead of inserting the Words [Amos Strettell] propose Philip Syng as a Trustee.

Amendment 3d. [Referring to Page the third, but supposed to be intended for Page the fifth]; agreed to by the House.

Amendment 4th. The House adhere to the Bill.

Amendment 5th. Agreed to by the House.

Amendment 6th. Agreed to by the House.

Amendment 7th. Agreed to by the House.

Amendment 8th. Agreed to by the House.

Amendment 9th. Agreed to by the House.

Amendment 10th. Agreed to by the House.

Amendment 11th. Agreed to by the House.

Amendment 12th. The House adhere to the Bill.

Amendment 13th. Agreed to by the House.

February 1st, 1770.

The Board taking the said Answer into Consideration, prepared the following Reply thereto, which the Secretary was directed to carry to the House with the Bill, Viz^{t}:

Amendment 1st & 2nd. The Governor adheres to his Amendments.

Amendment 4th. The Governor adheres to his Amendment.

Amendment 12th. The Governor consents to Wave this Amendment, provided the Assembly will agree to the following additional Amendments, which he proposes in the Title and Preamble of the Bill.

Dele the Words [and providing a Circulating Medium of Commerce and Industry] in the Title of the Bill.

Dele the whole Preamble of the Bill, and insert instead thereof as follows, To Wit:

Whereas, through the Scarcity of Gold and Silver within this Province, occasioned by the frequent Remittances thereof to Great Britain, in discharge of the Debts continually accruing by the Importation of Merchandize and Manufactures from thence, and by the constant sinking of the Bills of Credit emitted during the late War, and granted to His Majesty for the Protection of His American Dominions, The Improvement and Population of this Province is greatly obstructed, and the Government deprived of the means of paying its just Debts and supporting its Credit and Honour.

For the remedying of which Mischiefs,

The Governor having again received the Bill for preventing any Person being chosen a Member of Assembly, for any City or County, except he be a Resident, &c^{a}, with a Verbal Message from the As-

sembly, that the House adhered to the Bill, the Board agreed, and ordered that the Bill be returned to the House, with a Message acquainting them that the Governor adhered to his Amendments.

At a Council held at Philadelphia on Monday the 12th of February, 1770.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

William Logan, Benjamin Chew, } Esquires.
Richard Peters, James Tilghman, }

The Governor laid before the Board a Bill sent up by the Assembly for his Concurrence, entituled "An Act for opening and better amending and keeping in Repair the Public Roads and Highways within this Province,'. which was read and considered and ordered to be returned to the Assembly, with the following Amendments, viz^{t}:

Amendment 1st, Page 3, Line 1. Instead of [quallified] say [qualified].

Amendment 2d, Page 3, Line 8. After the word [Highways] insert the words [except in the Township of the Northern Liberties, where three or four Supervisors shall be chosen, in manner aforesaid].

Amendment 3d, Page 7, Line 3. After the word [Levies] insert as follows, viz^{t}:

[Provided, also, that the Proprietary and Governor's proper Estate shall not be liable to be Rated or Assessed by Virtue of this Act].

The Governor also laid before the Board two other Bills sent up by the Assembly for Concurrence, entituled:

1. "A Supplement to the Act entituled 'An Act to enable the Owners and Possessors of a certain Tract of Marsh and Meadow Land therein described, situate in the County of Chester, to keep the Banks, Dams, Sluices, and Flood Gates in repair, and to raise a Fund to defray the Expence thereof;'" &

2. "An Act for the better Confirmation of the Estates of Persons holding or claiming under Feme Coverts, and for establishing a mode by which Husband and Wife may hereafter convey their Estates," which were read and referred to further Consideration.

At a Council held at Philadelphia, on Wednesday the 14th of February, 1770.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}.

William Logan, Benjamin Chew, } Esquires.
Richard Peters, James Tilghman, }

The Board resumed the Consideration of the Bill for the better Confirmation of the Estates of Persons holding or claiming under Feme Coverts, &c^{a} and ordered the same to be returned to the Assembly, with the following Amendments, Viz^{t}:

Amendment 1st. Page 1, Line 10. Instead of [Some], say [many.]

Amendment 2end. page 1, last Line. After the word [peace], add the Words [or a Justice of the County Court of Common Pleas, or before one of the Judges of the Supream Court].

Amendment 3rd. Same page & Line. Dele the Words [a Part], and insert the Word [apart].

Amendment 4th. page 3, Antepenult Line. Instead of [Feofment], say [Feoffment].

Amendment 5th. Page 4, Line 5. Instead of [Feofments], say [Feoffments].

Amendment 6th. Pape 5. Dele the Words [their Estates], in the 3d & 4th Lines, and insert the Words [the Estate of the Wife].

Amendment 7. Same page, Line 6 & 7. Dele the Words [their Estates or the Estate of either of them], and instead thereof insert the Words [the Estate of the Wife or her Right].

Amendment 8th. Same page, Line 12. Instead of [Feofment], say [Feoffment].

February 14th, 1770.

The Board also reconsidered the Supplementary Bill for enabling the owners, &c^{a} of a Tract of Marsh and Meadow Land therein described, in the County of Chester, to keep the Banks, &c^{a} in Repair, &c^{a} to which the following Amendment was made, and ordered to be carried to the House with the Bill, Viz^{t}:

Page 5, Line 4. After the Word [shall], insert the words [if they approve thereof].

Two Members of Assembly waited on the Governor, and again presented the Bill for opening and better amending and keeping in Repair the public Roads, &c^{a} with the following Answer to the Governor's Amendments, Viz^{t}

Amendment 1st. Agreed to by the House.

Amendment 2d. The House adhere to the Bill.

Amendment 3d. The House adhere to the Bill, and propose to insert in Page 6, Line 3d, after the Word [unimproved], the words [and the Proprietary Quit Rents].

February 14th, 1770.

The Board taking the same into Consideration, the following Reply was agreed to, and ordered to be carried to the House with the Bill, Viz^{t}:

Amendment 2d. The Governor waves his Amendment.

Amendment 3d. The Governor adheres to his Amendment.

One of the Members of Council having acquainted the Governor that a Commission for holding Courts for the Tryal of Negroes was wanted for the County of Kent, His Honour directed the Secretary to make out a Commission appointing Charles Ridgely and Fenwick Fisher, Esquires, Justiees for holding the said Courts according to Law.

At a Council held at Philadelphia, on Tuesday 20th February, 1770.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}.

William Logan, Benjamin Chew, James Tilghman, } Esquires.
Richard Peters,

The Governor laid before the Board the two following Bills sent up by the Assembly for his Concurrence, which being read and considered, were approved, and ordered to be returned to the Assembly with the Governor's Assent, Viz^{t}.

"A Supplement to the Act entituled 'a Supplement to the Act entituled An Act for taking Lands in Execution for the Payment of Debts, and for confirming partitions in several Instances heretofore made.'"

"A Supplement to the Act entituled 'An Act for Bailing Prisoners and about Imprisonment.'"

The Governor having then laid before the Board a Letter from the Honourable Cadwallader Colden, Esquire, Lieutenant Governor of New York, inclosing a copy of a Law passed in that Province appointing Commissioners for fixing on a Plan for the Regulation of the Indian Trade; which being read, the Governor, by the advice of the Council, directed the Secretary to lay them before the Assembly, with the following Verbal Message; the said Letter is as follows, viz^{t}:

"New York, 6th February, 1770.

"Sir:

"The Legislature of this Province, conceiving it impracticable without the Concurrence of other Colonies, to establish any plan for the Regulation of the Indian Trade, that might effectually answer His Majesty's Intentions, in committing the Care of this important object to the respective Legislatures, did in their last Session, pass a Law for appointing Commissioners to meet with those of the neighbouring Colonies to fix on a general Plan for this Purpose. A Measure so essential to the Interest of the several Colonies concerned in this beneficial Commerce, will, I trust, be chearfully come into by all, and if adopted by your Province, I hope you will endeavor to render its Utility as extensive as possible by recommending it to the Governments of Virginia and Maryland. I shall lose one Time in communicating the Proposal to the Governor of Quebec, and in giving you the earliest Intelligence of the resolution of that Government, and until the meeting of the Commissioners takes place, shall be glad to co-operate with you in promoting the success of a measure with which the prosperity and Tranquility of both Provinces are so intimately connected.

"I have the Honour to be Sir,

"Your most Obedient

"humble Servant,

"CADWALLADER COLDEN.

"The Honourable Governor Penn."

Here follows the Verbal Message, viz^{t}:

A Verbal Message from the Governor to the Assembly.

"Sir:

"The Governor commands me to lay before the House for their Consideration, a Letter which he lately received from Governor Colden, with a Copy of a Law passed in New York, appointing Commissioners for fixing on a plan for the Regulation of the Indian Trade; and recommends it to the House to frame a similar Law on the part of this province.

"February 20th, 1770."

Newaleka, a Delaware Chief, with his Family and several other Indians having lately come to Town from the Susquehanna, on a friendly visit to the Governor, the Council advised His Honour to make them a small present on their return Home; whereupon the Governor sent the following Message to the Assembly, viz^{t}:

A Message from the Governor to the Assembly.

"Gentlemen:

"A few Days ago came to Town Newaleka, one of the Delaware Chiefs, with a number of his Indians, in Order to pay a friendly

Visit to this Government. As he is a Person of Distinction and Influence among the Indians, and has on all occasions shewn himself a Friend to the English, and never was in Town before, I think it might be prudent to secure his Attachment to our Interest by making him a small present, which I should be glad you would enable me to do.

"JOHN PENN.

"February 20th, 1770."

The Governor laid before the Board a *Petition* from divers inhabitants of Lancaster County, setting forth *That* the Great Road leading from Lancaster to Philadelphia, is very inconvenient for the back Inhabitants, by reason of its being laid out in many places on bad Ground, and is very difficult to be kept in tolerable order, on account of the number of Carriages passing and repassing thereon, and it is also very crooked.

That a very good Road may be found and laid out from the Middle Ferry on Schuylkill to the sign of the ship in Chester County, and will be five miles shorter than the Old Road, and to continue from thence up or near the Road called the Gap Road, as far as the Village of Strasburg, within eight miles of Lancaster, to which a good Road may be made from thence, and that such a Road, together with the one now used, will be of great Utility to the Trade of Philadelphia, and to the back Inhabitants, by rendering Carriage more safe and easy, and therefore praying the Appointment of proper persons to view and lay out the same, in the best Manner the Ground will admit of, for the Public Benefit.

The Board taking the said Petition into Consideration, are of opinion that such a Road is now become very necessary, and will be of great Utility to the Commercial Interest of the Province. It is therefore *ordered*, that Joseph Fox, Jacob Lewis and Daniel Williams, of Philadelphia County; John Hannum, John Morton and John Sellers, of Chester County; and James Webb, Moses Branton and James Gibbons, of Lancaster County, or any six of them, do view and lay out a public Road or King's High-Way, in the most convenient and direct Courses, to the sign of the ship in Chester County, and from thence along or near the Old Gap Road as far as the Village of Strasburg, in the County of Lancaster, and to make a return of the Courses and Distances, with a Draft of the said Road, into the Provincial Secretary's Office, within six Months, in order to be confirmed by the Governor and Council, if they shall approve of the same.

At a Council held at Philadelphia, on Friday the 23d of February, 1770.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c[a].

William Logan, Benjamin Chew, } Esquires.
James Tilghman, }

The Governor laid before the Board four Bills sent up by the Assembly for his concurrence, entituled as follows, viz[t]:

1. "An Act for repairing the High-way between Franckfort Bridge and the Bridge over Franckfort Mill Race."

2. "An Act to enable the owners of Meadow Land on both sides of Gunner's Creek, to construct, maintain and keep up a Dam and Sluices, and to raise a Fund to defray the Expence thereof."

3. "An Act for the Relief of the languishing Prisoners in the Goals of the several Counties within this Province, with respect to the Imprisonment of their Persons."

4. "An Act for appointing Commissioners to meet with Commissioners who are, or may be appointed by the Legislatures of the neighboring Colonies, to form and agree on a General Plan for the Regulation of the Indian Trade."

Which being read and considered, were ordered to be returned to the House with a few small Amendments made to the two last mentioned Bills, and a Verbal Message by the Secretary, that the Governor gave his Assent to the other two.

—

Eodem Die, P. M.

Two Members of Assembly waited on the Governor with a Message, acquainting him that the House proposed to adjourn to-Morrow, till the 14th of May, if the Governor had no objection thereto, and requested the Governor to appoint two Members of Council to join two of the Assembly, to compare the Bills which had been agreed to with their engrossed Copies, and also to appoint a Time for passing them. The Governor answered that he had no objection to their proposed Adjournment, and said he should be ready to pass the Laws at 11 o'Clock to-Morrow, and in the mean Time would appoint a Member of Council and the Secretary to collate the Bills.

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Council Chamber, Saturday 24th of February, 1770, 12 o'Clock, A. M.

The several engrossed Bills being compared with their Originals and found to agree, The Governor sent the Secretary with a Mes-

sage to the Assembly, requiring their Attendance, that he might enact into Laws the several Bills which had received his assent.

The whole House attended accordingly, and the Speaker presented to the Governor the eleven following Bills, which he was pleased to enact into Laws, and signed a Warrant for affixing the Great Seal to them, which being done, the Laws were afterwards deposited in the Rolls Office, Viz^{t}:

1. "An Act to enable the owners of Meadow Lands on both sides of Gunner's Creek to construct, maintain, and keep up a Dam and Sluices, and to raise a Fund to defray the Expence thereof."

2. "An Act for repairing the Highway between Franckfort Bridge and the Bridge over Franckfort Mill Race."

3. "A Supplement to the Act entituled 'A Supplement to the Act entituled An Act for taking Lands in Execution for the Payment of Debts, and for confirming Partitions in several Instances heretofore made.'"

4. "An Act for the better confirmation of the Estates of persons holding or claiming under Feme Coverts, and for establishing a Mode by which Husband and Wife may hereafter convey their Estates."

5. "A Supplement to the Act entituled 'An Act to enable the Owners and Possessors of a certain Tract of Marsh and Meadow Land therein described, situate in the County of Chester, to keep the Banks, Dams, Sluices and Flood Gates in repair, and to raise a Fund to defray the Expence thereof.'"

6. "An Act for the Sale of Goods distrained for Rent, and to secure such Goods to the Persons distraining the same for the better Security of Rents, and to prevent Frauds and Abuses committed by Tenants."

7. "An Act for appointing Commissioners to meet with Commissioners who are or may be appointed by the Legislatures of the several Colonies, to form and agree on a General Plan for the Regulation of the Indian Trade."

8. "An Act for incorporating the Society formed for the Relief of Poor, Aged and Infirm Masters of Ships, their Widows and Children."

9. "A Supplement to the Act entituled 'An Act for bailing Prisoners and About Imprisonment.'"

10. "An Act for the Relief of the languishing Prisoners in the Goals of the several Counties within this Province, with respect to the Imprisonment of their Persons."

11. "An Act for punishing Wicked and evil Disposed Persons going armed in Disguise, and doing Injuries and Violences to the Persons and Properties of His Majesty's Subjects within this Province, and for the more speedy bringing the Offenders to Justice."

At a Council held at Philadelphia, on Saturday the 3d of March, 1770.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

William Logan, Benjamin Chew, James Tilghman, } Esquires.
Richard Peters,

The Board having under consideration the present State of the Intrusions and Settlements made by the Connecticut People on the Proprietary Lands within this Province, were of Opinion that if two Prudent and fit Persons, living in the North part of Northampton County, were immediately vested with the Authority of Magistrates, it would greatly conduce to the Preservation of the Peace, and better Execution of the Orders of Government from time to time, in defeating the measures of those People, and checking the Progress of their Scheme of Settlement on the Lands at Wyoming and on Delaware. The Governor, therefore, on the Recommendation of the Members of Council present, issued two special Commissions, appointing Garret Brodhead and John Vancampen, Esquires, Justices of the Court of Quarter Sessions of the Peace and of the County Court of Common Pleas for the County of Northampton.

—

New Castle, Thursday the 15th of March, 1770.

The Governor having wrote to the Speaker of the Assembly of the Government of the lower Counties, that his Business would not conveniently permit him to attend the House for several Days after the Time to which they stood adjourned, Viz^t: the 6th Instant, and having received a Letter from the Speaker, signifying that the Business of the House did not require his Attendance till Yesterday, His Honour attended at this place accordingly, and this Morning sent a Verbal Message to the House, with the Papers therein referred to. The said Verbal Message is as follows, Viz^t:

"Sir:

"The Governor commands me to lay before the House a Letter he lately received from the Governor of New York, with a Copy of a Law passed in that Province, for appointing Commissioners to meet those who may be appointed by the neighbouring Colonies, to fix on a Plan for the Regulation of the Indian Trade; and also a printed Copy of a Law passed by the Legislature of Pennsylvania for the same Purpose. His Honour conceiving it expedient that this Government should co-operate with the other Colonies in promoting a Design so essential to their general Prosperity, recommends it to

House to frame a similar Law, for appointing Commissioners on the part of this Government.

"New Castle, 15th March, 1770."

—

New Castle, Friday 23d March, 1770.

A committee of three Members of Assembly waited on the Governor, and presented him with a written Message, in answer to his Verbal Message, which follows in these Words, Viz[t]:

An Answer to His Honour the Governor's Message by the Secretary.

"May it please Your Honour:

"We, the Representatives of the Free Men of the Government of the Counties of New-Castle, Kent, and Sussex, upon Delaware, have taken into consideration Your Honour's Verbal Message by the Secretary, in relation to the Indian Trade, and also the Letter from the Lieutenant Governor of New York, and the Copies of the Laws passed in that Province and Pennsylvania, referred to therein, upon which we beg leave to observe that the Inhabitants of this Government have at present no Commerce or Intercourse whatever with the Indians, and from their Situation cannot expect to have any with them hereafter, and therefore, that the appointment of Commissioners to meet and confer with such Commissioners as are or may be appointed by the other Colonies, appears to us unnecessary.

"Nevertheless, We are of Opinion that any Assembly of this Government would, when called upon, pass an Act of a similar Nature with such Laws as shall be made in the Colonies of Quebec, New York, New Jersey, Pennsylvania, Maryland, and Virginia, for the enforcing and carrying into Execution the General Plan that may be agreed on by the Commissioners from the said Colonies for the regulating the Indian Trade, so far as the same may be consistent with the local Circumstances of the Inhabitants of these Counties.

"Signed by Order of the House.

"CÆSER RODNEY, *Speaker.*

"March 23d, 1770."

—

New-Castle, Saturday 24th March, 1770.

The Assembly, at different Times during their Sitting, sent up to the Governor for his perusal and Concurrence ten Bills, which were duly read and considered, and a few Amendments being made to

some of them, to which the Assembly acceded, were all returned to the House with the Governor's Assent, and are entituled as follows, Viz^{t}:

1. "An Act for regulating and establishing Fees."

2. "An Act for making divers Copies of Records, duly authenticated under the Great Seal of the Province of New York, and other papers, public Records, and for rendering Real Estates within this Government more secure."

3. "An Act to enable the Owners and possessors of the Meadow, Marsh and Cripple on the South side of Christiana Creek, called Torn Hook Marsh, and of the Marsh Meadow on the South side of the same Creek, called Bosman's Creek Marsh, in the Hundred and County of New-Castle, to keep the Banks, Dams and Sluices in Repair, and to raise a Fund to defray the Expence thereof."

4. "A Supplement to an Act entituled 'an Act for regulating Fences within this Government.'"

5. "An Act directing the manner of suing out Attachments within this Government."

6. "An Act for repealing so much of An Act of Assembly, 'An Act for killing of Squirrels in the Counties of Kent and Sussex, as relates to the County of Kent'"

7. "A Supplement to an act entituled 'An Act to enable the Owners and Possessors of the Meadow, Marsh and Cripple lying upon Nonsuch and Mill Creeks, and adjoining Lowden's Island, in the Hundred and County of New-Castle on Delaware, to embank and drain the same, to keep the outside Banks and Dams in good repair for ever, and to raise a Fund for the doing thereof.'"

8. "An Act to enable the owners and Possessors of a certain Tract of Meadow, Marsh and Cripple on both sides of Mill Creek, below the town of New Castle, to keep the Banks, Dams and Sluices in Repair, and to raise a Fund to defray the Expence thereof."

9. "An Act for the appointing of Rangers and Regulation of Strays."

10. "An Act for amending An act passed in the 17th Year of the Reign of his late Majesty George the second, entituled 'An Act for the better relief of the Poor of the County of New Castle,' and for extending the same to the Counties of Kent and Sussex, and for other purposes hereinafter mentioned."

The Governor having then acquainted a Committee of Assembly who waited on him to know when and where he would be pleased to pass the Bills, that he was ready to receive the House immediately at his Lodgings for that Purpose, The whole House accordingly attended with the ten Bills above mentioned, which the Governor enacted into Laws, signed a Warrant for affixing the Great Seal thereto, and directed the Secretary to accompany two Members of Assembly to see them sealed and deposited in the Rolls Office.

The Speaker then presented to the Governor Orders on the Trustees of the Loan Office for £100, for which His Honour thanked the House.

At a Council held at Philad^{a} on Wednesday 4th April, 1770.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}.

James Hamilton, Benjamin Chew, William Logan, James Tilghman, Richard Peters, } Esquires.

Mr. Tilghman communicated to the Board a Letter he had just received by Express, from Charles Stewart, Esquire, dated at Easton, the 2d Instant, which informs him that on Wednesday the 28th of last month, the New England Men, accompanied by a number of Germans, appeared before the Houses at Wyoming, possessed by People under the Proprietaries, whooping, Yelling, and Swearing they would have the Prisoners which had been taken from them, and after expressing much abusive Language they began to Fire upon the People in the Houses, who immediately returned the Fire, by which one of the Germans was shot Dead, and thereupon the New England Men, &c^{a} returned to the Fort, &c^{a}.

The said Letter contains several other particulars relating to the Conduct of the Connecticut People at Wyoming. (Vide Letter and its inclosures.)

The Board taking into Consideration the best Measures to be pursued on this Occasion, advised the Governor to write a Letter to General Gage, informing him of the riotous Conduct of the Connecticut People in taking possession of the Proprietary Lands at Wyoming, and of the Legal Measures used by this Government to remove them and prevent further Disturbances, and also requesting the Aid of the King's Troops to support the Civil Government in the Execution of its legal Authority on any future Exigency.

MEMORANDUM, the 5th day of April, 1770.

This Day the Governor was pleased to appoint William Hicks, Esquire, to the several Offices following, in the Room of Lawrence Growden, Esquire, lately deceased, by four separate Commissions under the Great Seal of the Province, Viz^{t}: Prothonotary, or Principal Clerk of the County Court of Common Pleas; Clerk, or Register of the Orphan's Court; Recorder of Deeds; and a Justice of the Court of the Quarter Sessions of the Peace and of the County Court of Common Pleas for the County of Bucks.

Friday, April the 6th, 1770.

The Governor by the advice of the Board, wrote the following Letter to His Excellency Major General Gage, viz^{t}:

"PHILADELPHIA, the 6th of April, 1770.

"Sir:

"It is now about a Year since a Number of People of the Colony of Connecticut, assisted, as I am informed, by some of Pendergrasses Gang, in a riotous and forcible manner took possession of a large Body of Land on the River Susquehanna, within the Bounds of this province, under an absurd pretence of Title to the same, as included within the Bounds of the Connecticut Grant, and compelled to abandon their Possessions several Persons then settled upon the Lands under Grants from this Province. The Intruders were at first removed, without much difficulty, by due Course of Law—they, however, soon returned with a formidable armed Force, retook the Possession of the Lands, and setting the Laws at defiance, built a large Stockaded Fort, (in which they have since planted Cannon,) appointed their own officers, erected, as I am informed, Mock Courts of Justice, and had the daring Insolence, without the least Warrant or Authority in Law, to arrest one of our People, upon whom they inflicted a very severe Corporal Punishment.

"It would be too tedious to trouble your Excellency with the several legal measures taken from Time to Time, on the part of this Government, to bring these lawless People to Justice, and to give them an opportunity of bringing their pretended Right to a Decision, if they chose it.

"They have at length prevailed on a Number of Profligate and Abandoned People on our Frontiers, (many of whom have been concerned in the late Indian Murders and Disturbances,) to join them in their unlawful Enterprize, and they now not only openly resist the Execution of the King's Process and set Government at naught, but have lately gone so far as to attack and fire upon a party of our People, who had several of their Associates under legal Arrest, which obliged them to return the Fire, and it unfortunately happened that one of the Rioters was killed and another wounded, so that it is no longer safe to attempt executing the Process of the Government against these Atrocious offenders, and not having any Militia in the Province, I find myself under the disagreeable necessity of applying for the aid of the Military to support the Civil Power.

"I beg Your Excellency to be assured that I take this step with the utmost Reluctance, and that I shall not avail myself of any Orders You may on this Occasion think proper to give to the com-

manding officer of His Majesty's Troops here, without the most urgent Necessity.

"I have the Honour to be,
"With great Regard, Your Excellency's
"Most Obedient humble servant,
"JOHN PENN.

"His Excellency Major General GAGE."

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Thursday, April the 19th, 1770.

The Governor this Day received by the Post a Letter from His Excellency Major General Gage, dated the 15th Instant, which being an Answer to His Honour's Letter of the 6th Instant, is ordered to be entered on the Minutes of Council, and is as follows, Viz^{t}:

"NEW YORK, April 15th, 1770.

"Sir:

"I am very much concerned to find that the People from the Colony of Connecticut, who have formed Pretensions to certain Lands within the Province of Pennsylvania, have carried their Disorders to such a length as You inform me of in Your Letter of the 6th Instant, and wish it was in my Power, upon this and every other Occasion, to give you such Assistance as you may judge necessary to require for the Preservation of the Public Tranquility, and enforcing a due Obedience to the Laws.

"The Troops in all the Provinces have Orders, in General, to assist the Civil Power when they shall be legally called upon; but the Affair in Question seems to be a Dispute concerning Property, in which I can't but think it would be highly improper for the King's Troops to interfere. This Sentiment I am the more confirmed in, from the Communication of His Majesty's Pleasure to me upon a Similar Occasion, when I was given to understand that in Cases of the kind there were very few Exigencies that could justify the Military Power being called into the Aid of the Civil.

"From this Persuasion, as well as that the Delay of a few Months can't be productive of any very bad Effects, I trust you will approve my declining to give any particular Orders to the Commanding Officer of his Majesty's Troops at Philadelphia for the present, upon this Occasion. I shall immediately lay before his Majesty's Ministers the Requisition You have been pleased to make, and wait his Majesty's Commands thereupon, which, from the Representation You will probably think advisable to make of the Necessity of asking the Aid of the King's Troops, I may hope to receive by the earliest Opportunity.

"I have the Honour to be, with great Regard,
"Sir, Your most Obedient humble Servant,
"THO^{s} GAGE.

"Lieu^{t} Governor PENN."

At a Council held at Philadelphia, on Monday the 23d of April, 1770.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c[a].

Richard Peters, William Logan, Lynford Lardner, James Tilghman, } Esquires.

The Transcripts of three several Records of Conviction were laid before the Board, which being read, it appears by one of the said Records, *That* at a Court of Oyer and Terminer and General Goal Delivery, held at Philadelphia, for the County of Philadelphia, on the 9th Day of April Instant, before William Allen, John Lawrence, and Thomas Willing, Esquires, Justices of the Supreme Court, and of the said Court of Oyer and Terminer, David Jones and Thomas Jones were tried and convicted of Felony and Burglary committed in the Dwelling House of Francis Hieneck, in the City of Philadelphia, on the 11th day of February last, and that they, the said David Jones and Thomas Jones, have received Sentence of Death for the same.

By another of the said Records, it appears that, at the said Court of Oyer and Terminer and General Goal Delivery, held the said 9th Day of April, Instant, before the said Justices, Herman Rosikrans was tried and convicted of Counterfeiting the £3 Paper Bills of Credit of this Province, and of having uttered and paid away two of the said Bills, knowing them to be counterfeit, and hath received Sentence of Death for the same.

And by the other of the said Records it appears that the said Court of Oyer and Terminer and General Goal Delivery, held the said 9th Day of April, Instant, before the said Justices, Mary Brian was tried and convicted of Felony and Burglary committed in the Dwelling House of Susannah Moffat, in the City of Philadelphia, on the 22d day of November last, and hath received Sentence of Death for the same.

The said Records being taken into Consideration and the said Justices having reported nothing in favour of the three first mentioned Criminals, The Governor by the advice of the Board, issued Warrants for their Execution on Saturday the 5th Day of May next. And upon the Recommendation of the Judges and Jury in behalf of Mary Brian, The Governor was pleased to Grant her a Pardon, which was accordingly issued under the Great Seal, bearing Date the 24th day of April, 1770, and delivered to the Sheriff to be presented to her.

The Secretary laid before the Board a Return and Draught of a Road laid out and Surveyed, pursuant to an Order of Council of the 9th of February last, by the Persons therein appointed from Shuylkill, near Ellis Hughes's Saw Mill, through the County of

Berks to Fort Augusta, which was read and follows in these Words, viz^{t}:

To The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca, and the Gentlemen of his Council within named. *We* the Subscribers in the within Order named, In pursuance of the said Order, have viewed the Grounds and Places through which the said Road within mentioned is Requested, and being satisfied that there is Occasion for the same, have laid out the said Road as follows, to-wit: *Beginning* in a Road formerly laid out from Schuylkill near Ellis Hughes's Saw Mill, down towards the Town of Reading, and three Quarters of a Mile down the said Road from Schuylkill; *Thence* the several Courses and Distances as they are laid down in the following manner:

	Courses.		Distances.	Remarkable Places.
1.	S.	87, do. W.	240.	
2.	N.	86, W.	20.	
3.	N.	72, W.	26.	
4.	N.	35, W.	92.	
5.	N.	30. W.	19.	
6.	N.	25, W.	34.	
7.	N.	10, W.	86.	to Ellis Hughes's House.
8.	N.	7, W.	186.	to the Gap of the Tuscarora
9.	N.	26, E.	70.	Mountain.
10.	N.	5, W.	46.	
11.	N.	45, W.	60.	
12.	N.	28, E.	150.	
13.	N.	5, W.	22.	
14.	N.	20, W.	50.	
15.	N.	33, W.	54.	
16.	N.	20, W.	42.	
17.	N.	7, E.	26.	
18.	N.	30, W.	34.	to Schuylkill on the North Side
19.	N.	5, W.	10.	the Tuscaroras.
20.	N.	35, W.	48.	to Norwagen Creek.
21.	N.	23, W.	20.	
22.	N.	45, W.	117.	
23.	N.	62, W.	74.	
24.	S.	80, W.	312.	
25.	N.	60, d. W.	60.	
26.	N.	66, W.	104.	
27.	N.	71, W.	40.	
28.	S.	85, W.	62.	
29.	N.	65, W.	70.	
30.	N.	43, W.	18.	
31.	N.	63, W.	96.	
32.	S.	83, W.	50.	
33.	N.	70, W.	20.	

	Courses.			Distances.	Remarkable places.
34.	S.	75,	W.	104.	
35.	N.	72,	W.	120.	West Branch of Schuylkill.
36.	N.	82,	W.	54.	
37.	S.	82,	W.	125.	
38.	N.	68,	W.	34.	
39.	N.	48,	W.	66.	
40.	N.	58,	W.	20.	
41.	N.	78,	W.	187.	
42.	N.	69,	W.	38.	to the foot of the Broad Mountain.
43.	N.	48,	W.	40.	
44.	N.	60,	W.	42.	
45.	N.	78,	W.	38.	
46.	N.	69,	W.	90.	
47.	N.	59,	W.	74.	
48.	N.	66,	W.	66.	
49.	N.	80, d.	W.	98.	
50.	N.	52,	W.	72.	
51.	N.	48,	W.	85.	
52.	N.	45,	W.	195.	
53.	N.	70,	W.	20.	
54.	N.	43,	W.	18.	
55.	N.	25,	W.	122.	
56.	N.	59,	W.	97.	
57.	N.	68,	W.	88.	
58.	N.	73,	W.	30.	Broad Mountain Top.
59.	N.	78,	W.	140.	
60.	N.	60,	W.	18.	
61.	N.	82,	W.	38.	
62.	N.	85,	W.	10.	
63.	N.	77,	W.	104.	
64.	N.	74,	W.	30.	
65.	N.	64,	W.	32.	
66.	N.	47,	W.	24.	
67.	N.	30,	W.	12.	
68.	N.	7,	E.	170.	
69.	N.	12,	W.	94.	
70.	N.	19,	W.	150.	
71.	N.	38,	W.	44.	
72.	N.	33,	W.	38.	
73.	N.	74,	W.	38.	
74.	N.	15,	W.	6.	
75.	N.	75,	W.	17.	to Mahonioy Creek.
76.	N.	65,	W.	8.	across the same.
77.	N.	20,	E.	176.	
78.	N.	12,	E.	102.	
79.	N.	30,	E.	54.	to Mahonioy Mountain.
80.	N.	52,	E.	68.	on the Mountain Side.
81.	N.	44,	W.	176.	on the Mountain Top.

	Courses.			Distances.	Remarkable places.
82.	N.	70,	W.	36.	
83.	N.	44,	W.	140.	
84.	N.	30,	W.	36.	
85.	N.	52,	W.	22.	
86.	N.	70,	W.	244.	
87.	N.	53,	W.	180.	to Shamokin Creek.
88.	S.	84,	W.	144.	
89.	N.	68,	W.	146.	
90.		West		640.	
91.	N.	76,	W.	134.	
92.	N.	68,	W.	70.	
93.	N.	84,	W.	84.	
94.	S.	84,	W.	216.	
95.	N.	85,	W.	50.	
96.	S.	70,	W.	106.	
97.	N.	85,	W.	60.	
98.	N.	35,	W.	40.	
99.	N.	14,	W.	174	down Shamokin Creek.
100.	N.	50,	W.	40	fording Place.
101.	S.	85,	W.	104.	
102.	N.	75,	W.	48	Shamokin Creek.
103.	N.	3,	E.	30.	
104.	N.	15,	E.	80.	
105.	N.	8,	W.	100	Shamokin Fording.
106.	N.	59,	W.	24.	
107.	West			190.	
108.	N.	40,	W.	60.	
109.	N.	80,	W.	44.	
110.	N.	70,	W.	54.	
111.	West			64.	
112.	N.	52,	W.	60.	
113.	N.	77,	W.	28.	
114.	N.	64,	W.	110.	
115.	N.	35,	W.	148.	
116.	N.	12,	W.	20.	
117.	N.	45,	W.	22.	
118.	N.	22,	W.	20.	
119.	N.	14,	W.	23	Bear Hill.
120.	N.	27,	W.	9.	
121.	N.	60,	W.	32.	
122.	N.	42,	W.	18.	
123.	N.	22,	W.	146.	
124.	N.	40,	W.	336.	
125.	N.	60,	W.	184.	
126.	N.	81,	W.	980.	
127.	West			260.	
128.	N.	77,	W.	168.	
129.	N.	60,	W.	300.	

	Courses.		Distances.	Remarkable places.
130.	N.	54,	W. 108	Shamokin at the Old Ford.
131.	N.	41,	W. 367	to the Bank of the River Susquehanna, by the North West Corner of Fort Augusta, at the Junction of the East and West Branches of the said River, of the length of thirty-nine Miles and one Quarter and nineteen Perches; A Draught whereof is hereunto annexed; and We do Report the same to be so by us laid out for Public Use; As Witness our Hands, this fourteenth day of April, in the Year of our Lord one thousand seven hundred and seventy.

GEORGE WEBB,
HENRY SHOEMAKER,
JOHN WEBB,
ISAAC WILLITS,
JOB HUGHES.

The Board taking the said Return and Draught of Survey into Consideration, do hereby confirm the Road according to the Courses and Distances set forth in the said Return of Survey, and do declare it to be a public Road or King's High-way. And it is ordered that the same be forthwith opened and rendered commodious for public Service.

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Tuesday, 15th May, 1770.

MEMORANDUM.

The House of Assembly having informed the Governor of their Meeting yesterday pursuant to adjournment, sent up to His Honour for his concurrence, a Bill entituled "An Act for the further continuance of the Act entituled An Act for appointing Wardens for the Port of Philadelphia," &c^a. The Two Members who brought the Bill, at the same Time acquainted the Governor that the House, having no other material Business to enter upon at present, were inclined, as soon as that Bill should be passed, to adjourn to the 17th of September next, if His Honour had no Objection thereto, to which the Governor replied that he would consider the Bill immediately, and had no objection to their proposed Adjournment.

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Wednesday, 16th of May, 1770.

The Governor returned the Bill for regulating Pilots, &c^a. to the House, By the Secretary, with a Message that he agreed to pass it.

Council Chamber, Wednesday 16th May, 1770, 12 o'clock.

The Governor having received a Message from the Assembly, requesting him to acquaint the House when he would be ready to pass the Bill which he had agreed to, and having appointed this Hour for that purpose, sent a Message to the House by the Secretary, requiring their attendance in the Council Chamber, that he might enact the said Bill into a Law.

The House accordingly attended, and the Speaker presented the Bill entituled "An Act for the further continuance of the Act entituled 'An Act for appointing Wardens for the Port of Philadelphia, and for the better regulating Pilots plying in the River and Bay of Delaware, and the price of Pilotage to and from the said Port." Which the Governor was pleased to enact into a Law, and signed a Warrant for affixing the Great Seal thereto. Two members of the House and the Secretary were then appointed to see the same sealed and deposited in the Rolls Office.

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Monday, May the 21st, 1770.

This Day the Governor was pleased to appoint Turbutt Francis, Esquire, to the several offices following, in the Room of Hermanies Alricks, Esquire, who resigned, by five seperate Commissions, under the Great Seal of the Province, viz^{t}; Prothonotary, or principal Clerk of the County Court of Common Pleas; Clerk of the Quarter Sessions of the Peace; Clerk or Register of the Orphans' Court; Recorder of Deeds; and a Justice of the Peace and of the County Court of Common Pleas for the County of Cumberland.

At a Council held at Philadelphia, on Monday 23d of May, 1770.

"PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Benjamin Chew,
James Tilghman,
Lynford Lardner, } Esquires.

The Governor laid before the Board a Transcript of a Record of the Conviction of Hugh Barclay for Burglary, by which it appeared that at a Court of Oyer and Terminer and General Goal Delivery, held at New-Castle, for the County of New Castle, on Monday the 16th Day of April last, before John Vining, Richard McWilliam, Cæsar Rodney, and David Hall, Esquires, Justices of the Supreme Court, and of the said Court of Oyer and Terminer, the said Hugh

Barclay was tried and convicted of Felony and Burglary, committed in the Dwelling House of Richard McWilliam, Esquire, in the County of New-Castle aforesaid, on the 25th day of December last, and hath received Sentence of Death for the same.

"The said Record being taken into Consideration, and the said Justices having reported nothing in favour of the Criminal, The Governor, by the advice of the Board, issued a Warrant for his Execution on Saturday the ninth Day of June instant.

"The Board took into Consideration the present State of the Justices of the Peace and of the County Courts of Common Pleas for the several Counties of the Province, and it appearing necessary to make Sundry Additions and Alterations in several of the Commissions of the Peace now in Force, as well on account of the vacancies now occasioned by the Deaths and other Accidents, as to accomodate many parts of the Province where no Magistrates at present reside, It was agreed to issue new General Commissions of the Peace for the Counties of Philadelphia, Bucks, Chester, Lancaster, Cumberland, and Berks. And Lists of Persons were immediately prepared, including those who are judged proper to be continued in Commission, as well as several others proposed and recommended as fit and Qualified to Execute the office of Magistrates; and after due consideration, the following gentlemen were approved and agreed on to be the Justices of the Courts of General Quarter Sessions of the Peace, and of the County Court of Common Pleas for the several Counties respectively as follow, Viz^{t}:

For Philadelphia County, the Members of Council, and

Isaac Jones,	George Bryan,
Samuel Ashmead,	Frederick Antis,
Samuel Mifflin,	James Biddle,
Jacob Duche,	Alexander Edwards,
Samuel Shoemaker,	John Allen,
William Parr,	Charles Jolly,
Evan Thomas,	James Young,
Archibald McClean,	Charles Batho,
William Dewees,	John Gibson,
Jacob Hall,	Peter Chevalier,
John Bull,	Peter Knight,
Thomas Lawrence,	John Potts.

For Bucks County, the Members of Council, and

Gilbert Hicks,	Robert Patterson,
Joseph Hart,	Benjamin Mathews,
Richard Walker,	John Harris,
John Jameson,	Jonathan Ingham,
John Abraham Denormandie,	Hugh Hartshorne,
Jacob Bogart,	John Kidd,
Thomas Barnsley,	Adam Hoops,

Joseph Kirkbride,
John Wilkinson,
William Yardley,
Henry Wynecoop,
William Hicks,
William Coxe,
Thomas Richc.

For Chester County, The Members of Council, and

William Moore,
Thomas Worth,
John Morton,
Isaac Davis,
Alexander Johnston,
William Clingham,
William Parker,
John Hannum,
John Price,
Henry Hale Graham,
Richard Reily,
Charles Cruikshanks,
Richard Baker,
James Gibbons,
James Moore,
William Swaffer,
Evan Evans,
Thomas Hockley,
Joseph Pyle,
Thomas Temple,
Warwick Miller.

For Lancaster County, The Members of Council, and

Emanuel Carpenter,
Isaac Saunders,
Edward Shippen,
Adam Simon Kuhn,
Calvin Cooper,
James Burd,
Zaccheus Davis,
John Philip De Haas,
James Clemson,
James Bickham,
Robert Boyd,
Timothy Green,
James Work,
Everhart Gruber,
William Henry.

For Cumberland County, the Members of Council, and

John Armstrong,
James Galbraith,
John Byers,
James Caruthers,
Hermanis Alricks,
John Reynolds,
Jonathan Hogg,
Robert Miller,
William Lyon,
Robert Callender,
Andrew Calhoun,
James Maxwell,
Samuel Perry,
John Holmes,
John Allison,
Christopher Lemes,
Bernard Dougherty,
George Robison,
William Patterson,
Turbutt Francis,
William Maclay,
Arthur St. Clair,
Henry Prather,
William Crawford,
James Milligan,
Thomas Gist,
Dersey Penticost,
John Agnew.

For Berks County, the Members of Council, and

Benjamin Lightfoot,
James Read,
John Patton,
George Douglas,

Peter Spycker,
George Webb,
Thomas Rutter,
Jacob Morgan,
James Deimer,
Henry Christ,
Sebastian Zimmerman,
Mark Bird,
William Reeser.

At a Council held at Philadelphia, on Friday 25th May, 1770.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}.

William Logan,
James Tilghman,
Benjamin Chew, } Esquires.

Amos Ogden, Esquire, and Nathan Ogden, who lately came from Wyoming, appeared at the Board by the desire of the Governor, and related all that they knew concerning the late proceedings of the Connecticut People, and others in Confederacy with them, who have taken Possession of the Lands at Wyoming. A full and true Account of these Matters are set forth and contained in their respective Depositions, which were prepared and taken before the Governor, and are as follow, Viz^{t}:

Philadelphia, to Wit:

The Deposition of Amos Ogden, Esquire, one of His Majesty's Justices of the Peace for the County of Northampton, in the Province of Pennsylvania, aged thirty-eight Years, or thereabouts, who being first Sworn on the Holy Evangels of Almighty God, deposeth and saith:

That he has been settled at a place called Wyoming, on the North-East Branch of Susquehannah, in the County and Province aforesaid, for upwards of twelve Months past, by the Permission of the Honourable the Proprietors of Pennsylvania, on a large Tract of Land surveyed there, and reserved for the said Proprietors. *That* a number of People, claiming a Right under the Government of Connecticut, soon after the Deponent settled there as aforesaid, came there, armed with Fire Arms and other offensive Weapons, and made a forcible Entry on the said Proprietors' Tract, and afterwards held the same with Force, untill they were removed by due and legal Proceedings at Law, after which they soon returned with an increase of their Numbers, and in the same violent Manner again took Possession of the said Tract of Land, and proceeded to erect and build thereon a strong Fort or Fortification. That for this Proceeding a great Number of them were indicted at the Court of Quarter Sessions for the County of Northampton, in which the Lands so forcibly taken Possession of lye, and the Process of the said Court issued against them, directed to the Sheriff of the said

County, who, with a considerable Posse, attended at the place aforesaid in the Month of October last, in order to arrest the said Rioters by virtue of the Process aforesaid, and demanded Entrance into the said Fort, to execute the said Process upon the said offenders, many of whom were then within the said Fort, and the said offenders refused to give the said Sheriff Admittance into the said Fort, or to give themselves up to Justice, but offered to relinquish the Possession of the said Fort and the Lands thereabouts to the said Proprietors, and those who held Lands under them, only that fourteen of them should remain in the said Fort untill the next Spring, by which Time it was expected there might be some advices from England respecting the Dispute about the said Lands, which said Terms the said Sheriff thought fit to agree to, rather than run the Risque of spilling Christian Blood, by forcing into the said Fort, and in Consequence of the said Promise and Agreement, the said Rioters did afterwards deliver up the said Fort to the said Sheriff and the Deponent and a certain Charles Stewart, and departed therefrom, all except Fourteen in Number. That the said Deponent afterwards understood and believes that during the Course of the last Winter, the Emissaries of the Connecticut Party were endeavouring to prevail on many of the Frontier People of this Province, in the upper part of Lancaster County, to back their Pretensions, and again to take a forcible Possession of the Lands aforesaid; and about the fourteenth of February last, the Deponent being absent in Jersey, News was brought him that a number of People from Lancaster County aforesaid, had arrived at Wyoming, and in a Warlike manner, in support of the Connecticut Right, had taken Possession of the Fort, and had broken open one of the Deponent's Houses, and taken thereout one piece of small Cannon, and several other Effects, and thereupon he immediately went over to Wyoming aforesaid, and found the said Account to be true. And the Deponent further saith, that the Party aforesaid, from Lancaster, was commanded by Lazarus Stewart and Lazarus Young; and the People in the Fort, both Pennsylvanians and New Englanders, were commanded by Zebulon Butler, a New Englander. That on or about the 23rd of February last, an armed Party from the Fort, of about 30 in Number, commanded, as it seemed to this Deponent, by Lazarus Stewart, broke open the House of Captain Salmon, in a violent manner, who was settled on the said Proprietors' Tract, by Lease under the said Proprietors, pulled the same down, and destroyed all the Effects of the said Salmon in the said House; That on the 26th of February, the said Captain Butler and Lazarus Stewart came to the House of the Deponent, and demanded of him that he and all the Settlers under Pennsylvania, which were then about ten in number, should leave the Ground by the 28th following, telling them if they refused, they must abide by the Consequences; and on the said 28th Day of February, a Party of between forty and fifty Men, headed by Lazarus Stewart

and Lazarus Young, armed with Guns, Pistols, and Tomhawks, attacked the House of Charles Stewart, Esquire, one of the Tenants of the Proprietors of Pennsylvania, pulled it down and destroyed all his Effects; That between the 28th of February and the 28th of March following, the People in the Fort did not proceed to any other violent measures; That on the 28th of March, a party of the Connecticut People and Pennsylvanians, of about fifty or sixty armed Men, passed by the House of the Deponent, and halted about twenty Poles distant from it, where they remained about an Hour, threatening the Deponent and the Party in His House; That the Deponent, observing one amongst them who had escaped after having been taken and arrested by due Process of Law, sent out a small Party with the Deputy Sheriff, from whom he had escaped, to retake him, who were attacked by the other Party and fired upon, whereupon the Deponent's Party returned the Fire, and there were afterwards Firings on both sides, in the Course of which a Man of the other Party was killed, as this Deponent understood.

"This Deponent further saith, that on the second of April last, a party from the Fort, commanded by Lazarus Stewart, came to a House of the Deponent in which one Osburn lived, as a Tenant to the Deponent, turned Osburn and his Family out, and pulled down the House, and destroyed the Goods of the Family, after which they shot several of the cattle, and took out of the Stable a Young Horse of the English Blood, belonging to Nathan Ogden. The Deponent further saith, that on the ninth of April last, the People belonging to the Fort began to build a Block House on the other side the River, and that on the 13th they fired a Cannon Ball at the Deponent's House.

"That on the 23rd of April, a large armed Party from the Fort advanced towards the Deponent's House with Drum beating and Indian Shouts, and coming near the House they separated into three Divisions, and each Division immediately began to make Breast Works, declaring they would soon have the Deponent's Party out of their Houses, and about 12 o'Clock the same day, they began to fire at the Deponent's House, which Fire was returned by the Deponent's Party in their own Defence, and a mutual Firing continued till the 28th following; That on the 25th, the Fort Party set Fire to a House of the Deponent in which were Goods and Provisions to a considerable Value, and burned it down; That, on the said 28th of April, Major Durkee, of the Fort Party, sent the Deponent a Note desiring to speak with him, and the Deponent waited upon him, and a Truce was concluded on till 12 o'Clock next Day, at which Time Major Durkee invited the Deponent in a friendly way to Dine with him; That the Deponent went accordingly and dined with him, and after Dinner was acquainted by Captain Collins, of Connecticut, that he, the Deponent, was not to leave the Fort till matters were settled, and the Deponent's works given up; That the Deponent, finding himself in this Situation, was obliged to come into the following Terms:

1st. Captain Ogden agrees that this Fort shall be delivered to Captain Butler.

2ndly. All the Men with Captain Ogden that has not Effects on the Ground, to depart the first day of May next.

3dly. It is agreed that six Men of Captain Ogden's Party continues to take Care of the Effects belonging to Captain Ogden and his Party until the first Day of June next, and then to depart with all the Effects belonging to said Party.

4thly. Agreed that the People of Captain Ogden's Party have the Priviledge of selling their Wheat that is in the Ground.

5thly. Agreed that Captain Ogden's Party keep one House for the six Men with two fire Arms, to take Care of his Effects.

6thly. Agreed that these People that have stock on the Ground, and have not made sufficient Provision for said Stock, shall pay all the Damages done by said Stock to the Men that suffer by them.

The above Articles agreed to, and signed by Captain Ogden in behalf of himself and his Party, and Zebulon Butler, for self and his Party.

ZEBULON BUTLER,
AMOS OGDEN.

April 29th, 1770.

The Deponent further saith, that after the Capitulation aforesaid, having Reason to think that the other Party had designs of confining him, he took the first fair Opportunity of leaving the Place. That he is informed and believes that after he left the Place, the People in the Fort took Possession of all his Effects and burnt his House; and the Deponent further saith, that being constantly instructed by the Honourable John Penn, Esquire, Governor of Pennsylvania, to act only on the defensive or in a Course of Law, and to avoid Occasions of Bloodshed, he punctually observed the same Instructions, nor did he or any of his Party at any Time offend any of the other Party or injure them in their Property, and further saith not.

AMOS OGDEN.

Sworn at Philadelphia, the twenty-fifth Day of May, 1770, before me, JOHN PENN.

[Here follow two and half blank pages in Council Book.]

At a Council held at Philadelphia, on Thursday the 21st of June, 1770.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c.

Richard Peters, Benjamin Chew, James Tilghman, } Esquires.
Lynford Lardner,

The Transcripts of two Records of Conviction were laid before the Board and read. By one of the said Records it appears that at

a Court of Oyer and Terminer and General Gaol delivery, held at Reading, for the County of Berks, on the 14th day of May last, before John Lawrence and Thomas Willing, Esquires, two of the Justices of the Supream Court, and of the said Court of Oyer and Terminer, Thomas Proctor, late of the said County of Berks, Labourer, was tried and convicted of Felony and Burglary, committed in the Dwelling House of William Neal, in the County of Berks aforesaid, on the 25th day of July last, and hath received Sentence of Death for the same.

The said Record being taken into Consideration, and no favourable Circumstances having been reported by the Judges in behalf of the said Criminal, The Governor, by the Advice of the Board, issued a Warrant for his Execution on Saturday the 7th day of July next.

And, by the other of the said Records, it appears that at a Court of Oyer and Terminer and General Gaol Delivery, held at Chester, for the County of Chester, on the 11th day of June Instant, before William Allen, John Lawrence, and Thomas Willing, Esquires, Justices of the Supream Court, and of the said Court of Oyer and Terminer, Matthew M'Mahon was tried and convicted of Felony and Murder, committed on the Body of a certain James McClester, of Middletown Township, in the County aforesaid, Labourer, and hath received Sentence of Death for the same.

The said Record being taken into consideration, and the said Judges having reported nothing in favor of the said Criminal, The Governor, by the advice of the Board, issued a Warrant for his Execution on Saturday the 30th day of June Instant.

The Governor then, by the Advice of the Board, Ordered that a special Commission be issued, appointing James Humphreys, Esquire, a Justice of the Court of General Quarter Sessions of the Peace and of the County Court of Common Pleas for the City and County of Philadelphia, to accommodate him in his Office of Notary Public, by enabling him to take the Acknowledgments of Deeds, &c.

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The 28th of June, 1770.

MEMORANDUM.

The Governor, by the advice of the Council, this Day issued the following Proclamation for removing the Connecticut People, and other Intruders from the Lands at Wyoming, Viz^{t}:

"*By the Honourable JOHN PENN, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of New Castle, Kent, and Sussex, on Delaware.*

"A PROCLAMATION.

"WHEREAS, a Number of Persons, chiefly of the Colony of Connecticut, have lately, as well as at different Times heretofore, without any License or Grant from the Honorable the Proprietaries of this Province, or Authority from this Government, made Attempts to possess themselves of and settle upon a large Tract of Land within the known Limits of this Province, lying at and between Wyoming, on the River Susquehanna, and Cushietunk on the River Delaware; *And Whereas*, I have lately received Intelligence that divers People of the said Colony of Connecticut have persuaded and enviegled many of the Inhabitants of this Province to join them, and with their Assistance have, with Force and Arms, in the most hostile and warlike manner, not only possessed themselves of the Lands at and near Wyoming on the said River Susquehanna, within the known Bounds of this Province, but have, also, in the same hostile and warlike Manner, driven and expelled from their lawful Settlements and Possessions divers Persons there settled by lawful Authority under the said Proprietaries, burned their Houses, killed their Cattle, and other Stock, destroyed their other Effects, and imprisoned the Persons of many of them, in open Defiance of all Law and Justice; *Wherefore*, as well to assert the just Rights of the Proprietaries of this Province to the said Lands, as to warn and Prevent any of the Inhabitants of this Province from being unwarily drawn in to join the said Intruders in prosecuting their illegal Settlements, *I have*, by and with the Advice of the Council, judged it proper to issue this my Proclamation, hereby strictly enjoining and requiring, in His Majesty's Name, all and every Person and Persons already settled, and residing on the said Lands, without the License of the Proprietaries or Authority from this Government, immediately to evacuate their Settlements and to depart and remove themselves off and from the said Lands without delay. And I do hereby forbid all His Majesty's Subjects of this or any other Province or Colony, on any Pretence whatsoever, to intrude upon, settle or possess any of the aforesaid Lands, or any other Lands within the Limits of this Province, without the express Permission of this Government, as they will answer the Contrary at their Peril, and on pain of being prosecuted with the utmost Rigour of Law. And I do hereby declare, that all and every Person or Persons who have joined or shall join the said Intruders in supporting or holding their present illegal and unjust Possessions, or in making further Settlements within this Province, shall not only be deprived of the Benefit of taking up any Lands within this Province, but shall be treated with the utmost strictness in respect

to any Lands they have heretofore taken up, or do possess under the said Proprietaries, which have not been fully paid for. And I do hereby strictly charge, enjoin and require all Magistrates, Sheriffs and other officers, as well as all other His Majesty's liege Subjects within this Province, to exert themselves, and use their utmost Endeavours to prosecute and bring to Justice all Offenders in the Premises.

"Given under my Hand and the Great Seal of the said Province, at Philadelphia, the twenty-eighth day of June, in the tenth Year of His Majesty's Reign, and in the Year of our Lord one thousand seven hundred and seventy.

"JOHN PENN.

"By His Honour's Command.

"JOSEPH SHIPPEN, Junior, Secretary.

"GOD SAVE THE KING."

And at the same Time issued two special Commissions appointing Turbutt Francis and Samuel Hunter, Esquires, Justices of the Peace for the County of Berks.

—

Tuesday 18th September, 1770.

MEMORANDUM.

The Governor received a verbal Message from the Assembly, acquainting him that the House had met pursuant to adjournment, and were ready to receive any Business he had to lay before them; to which His Honour replied that he had nothing particular at present to recommend to their Consideration.

The Governor having received Information that a Commission is wanted in the County of Lancaster, for the Tryal of Negroes, His Honour this day issued one, appointing Emanuel Carpenter and Isaac Sanders, Esq^rs, Justices for holding Courts in that County for the Tryal of Negroes, according to Law.

At a Council held at Philadelphia, on Wednesday 26th September, 1770.

PRESENT:

The Honourable JOHN PENN, Esquire, Licutenant Govnor, &c^a.

Benjamin Chew, James Tilghman, } Esquires.

The Secretary laid before the Board a Return and Draft of a Road laid out, surveyed and returned into the Provincial Secretary's Of-

fice, pursuant to an Order of Council of the 20th of February last, from the Middle Ferry on Schuylkill to the sign of the Ship on the Conestogoe Road, and thence to the Village of Strasburg, in the County of Lancaster; and also two Petitions from some of the Inhabitants of Chester County, setting forth objections to the said Road, and praying a Review.

As some of the Petitioners desired they might have an Opportunity of being heard before the Governor and Council came to any Determination, the Board appointed Friday the 19th of October next for the Consideration of this Matter, that the Petitioners may have timely Notice to attend the Board, and explain their Objections to the Road as laid out, and the Secretary is ordered to give Notice to the Petitioners accordingly.

The Governor laid before the Board three Bills sent up by the Assembly for his Concurrence, entituled as follow, viz^{t} :

"An Act for regulating Waggoners, Carters, Draymen and Porters, and for other Purposes therein mentioned."

"An Act for the Regulation of Apprentices within this Province."

"An Act to continue the act entituled 'An Act for the opening and better amending and keeping in Repair the Public Roads and Highways within this Province."

Which were read and duly considered, and the Secretary was directed to return the same to the House, with two small Amendments made to the Apprentice Bill, and a verbal Message to acquaint the House with the Governor's Assent to the two others.

—

27th September.

MEMORANDUM.

The Assembly sent up to the Governor a Bill entituled "An Act for the Support of the Government of this Province and payment of the Public Debts," which being read, the Governor directed the Secretary to carry a verbal message to the House requesting them to furnish him with a List of the Draughts and Certificates intended to be paid off and discharged by that Bill.

—

Eodem die, P. M.

The Governor sent by the Secretary a written Message to the Assembly, (with the Deposition of John Philip De Hass, Esquire,) which follows in these words, viz^{t} :

A Message from the Governor to the Assembly.

"Gentlemen:

"I have ordered the Secretary to lay before you the Deposition of John Philip De Haas, Esquire, one of the Justices of the Peace of the County of Lancaster, by which you will perceive that, in Consequence of a Warrant some Time ago issued by John Lawrence, Esquire, one of the Supreme Judges of this Province, for the apprehending of Lazarus Stewart, Lazarus Young, and Zebulon Butler, charged with the Crime of Arson, (an offence made Capital by Act of Assembly,) the said Stewart having been arrested on the fifteenth day of this Instant, rescued himself, with the Assistance of a Number of lawless People who joined him, and not only beat the Constable who arrested him, but abused and threatened the said De Haas in the Execution of his Office as a Justice, in the most violent manner. I shall order Prosecutions to be carried on against the Rescuers, who I hope may be brought to Justice in the common Course of legal Proceedings, but, as the principal Offenders will probably, as they hither to have done, set the Laws at defiance, and make it dangerous to apprehend them, I think it expedient, for the sake of public Justice and the Honor of Government, that a Reward should be offered for taking them, in which I make no doubt I shall have your Concurrence.

"JOHN PENN.

"September 27th, 1770."

The Deposition follows in these words, viz^{t}:

"*Philadelphia, to wit*:

"On the twenty-sixth day of September, in the Year of our Lord one thousand seven hundred and Seventy, before me, Thomas Willing, Esquire, one of the Judges of the Supream Court of the Province of Pennsylvania, personally appeared John Philip De Haas, of the Township of Lebanon, in Lancaster County, Esquire, one of His Majesty's Justices of the Peace of the County of Lancaster, who being duly sworn on the Holy Evangels of Almighty God, deposeth and saith, that he, the said Deponent, on the fifteenth day of September Instant, delivered to Frederick Buhlman, Constable of Lebanon aforesaid, a Warrant from John Lawrence, Esq^{r}, one of His Majesty's Judges of the Supream Court of this Province, directed to all the civil Officers of the Province, for apprehending Lazarus Stewart, Lazarus Young, and Zebulon Butler, and bringing them before him, or one other of the Judges of the Supream Court, to answer a certain Charge made on Oath against them of burning Houses, and other misdemeanors, said to be committed in the County of Northampton, in the Province aforesaid, and the said Constable thereupon, about 10 o'clock the same day, arrested the said Lazarus Stewart in Lebanon, in the Deponent's Presence; that

the said deponent, understanding that the said Stewart was a dangerous, turbulent Man, & apprehending a Rescue might be attempted, employed three Men to assist the Constable to convey him down the Country, promising them a Reward of five Pounds to each of them if they accomplished it; that the said Stewart, being encouraged by Messages from one William Stoy, as this Deponent hath been informed, and Verily believes endeavoured to retard as much as he could, their setting off, and at length found means to intimidate the Persons employed to assist the Constable, so that they went away, leaving the Constable to do as he could; that the Deponent being informed of this, endeavoured to procure other Assistance, but while so employed, Word was brought him that the said Stewart had rescued himself, with the assistance of one Matthias Mause, a Nephew of the said Stoy, who gave the said Stewart the handle of an Axe, with which he had knocked down the Constable & beat him in a Cruel and Unmerciful manner; that thereupon this Deponent went to the Place where the said Stewart was, and called to sundry of the Inhabitants who were there standing, and had been Witnesses to the aforesaid outrageous Proceeding, charging them in His Majesty's Name to assist him, the Deponent, and the said Constable in retaking the said Stewart, at the same Time acquainting them with the Crimes of which he was charged, and for which he was in the Constable's Custody; that none of the Inhabitants would obey the Deponent, some of them being Friends and abettors of Stewart, and the rest afraid; that the said Stewart stepped forward with a Club in his Hand, and abused the Deponent in the most opprobrious Terms, and the Deponent despairing of Assistance, and understanding that a Number of Stewart's Friends were expected from the Country, and apprehending from his Threats, that great Mischief and Disturbance would ensue, thought proper to retire, exhorting the People in the most earnest Manner to preserve the Peace, and prevent any riotous proceedings; that about an hour after the rescue, a Party of armed Men, to the number of twenty, or thereabouts, rode into the Town of Lebanon, and joined the said Stewart, who soon after came towards the said Deponent, then walking before his own Door, and with much Scurrility and Abuse, with a Pistol in one hand and a Club in the other, threatened him for having procured him to be arrested, and the Deponent finding it necessary to defend himself, retired into his house and got his Pistols; that the said Stewart endeavoured to follow him into the House, but one of the Family fastening the Door, prevented him; that the said Stewart afterwards called on the Deponent to come and take him, and said that there was long ago two hundred Pounds Reward offered for him (alluding, as this Deponent understood, to the said Stewart's being one of the Persons concerned in Murdering the Indians in Lancaster Goal, for taking whom a Reward was offered by this Government), that the said Deponent was informed by Nicholas Hausaker, Innkeeper in Lebanon aforesaid, that the said Stewart

afterwards came to the said Hawsaker's, and threatened that if he ever should obey the Orders of the Deponent in taking, or assisting to take the said Stewart, or any of his Company, he, the said Stewart, would cut him to Pieces, and make a Breakfast of his Heart; and this Deponent saith that the said Stewart and his Company Rode off in Triumph; and further this Deponent saith not.

"Sworn before me, the day and year before written.

"J. P. DE HAAS.

"THO^{S}. WILLING, [L. S]."

Friday the 28th of September.

Two Members of Assembly waited on the Governor with a List of the Public Debts referred to in the Bill for the support of Government; and at the same time presented him a Bill entituled "An Act for vacating a part of a Road in the Township of Passyunk, and for laying out and making a new Road instead thereof;" and also the following Remonstrance from the Assembly to the Governor, with a number of Vouchers and proved Accompts therein referred to.

A Remonstrance to the Governor from the Assembly.

"May it please your Honour:

"The House have taken into Consideration the application from divers Inhabitants of Lancaster and Cumberland Counties, and the Report of the Committee of Grievances, relative to the impressing of Carriages by Colonel Wilkins, for transporting the Baggage, &c^{a}. of the Troops under his Command, in their March through the said Counties in the Year 1768, and from Affidavits and other Vouchers, laid before this House, it appears that in June, 1768, the Colonel applied to the Magistrates in Lancaster, and, by their Warrants, had nineteen Waggons, with Horses and Drivers, impressed; who Transported the Baggage to Carlisle, where the Colonel had agreed to discharge them; but, not being supplied with a sufficient number of other Carriages there, he detained those from Lancaster many days longer than his Contract, and then proceeded with them as far as Fort London, where he engaged to discharge them, but them also many Days; and then having some other Waggons furnished him there, he discharged some of the Lancaster County Carriages, but compelled the rest to proceed with him to Fort Pitt; and on the Road, having met with some other Waggons returning from Fort Pitt, loaded, he obliged them to unload and return with him to Fort Pitt; that the Colonel, in settling their Accounts, allowed the Waggoners for only about one-third part of the Time they were in the Service, and deducted out of the same the Price of the Provisions,

Forrage and Pasture, expended by the Drivers and Horses; that by these means the Owners of the Carriages have sustained great Hardships and Loss. We therefore think it our Duty to lay the Vouchers before your Honor, and request that you will represent this matter to His Excellency General Gage, Commander in Chief of His Majesty's Troops in America, not doubting but he will afford proper Relief to the Sufferers.

"Signed by Order of the House,

"JOSEPH GALLOWAY, Speaker.

"September 27th, 1770."

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Eodem die, P. M.

Two Members of the Assembly brought up the following written Message to the Governor, in answer to His Honor's Message to the House of yesterday, viz^{t}:

A Message to the Governor from the Assembly.

"May it please your Honour:

"We have taken into Consideration your Message of the 27th Instant, and heartily concur in Opinion with your Honour, that it is highly necessary for the preservation of the Public Peace, and a due Execution of the Laws, to offer a Reward for the apprehending Lazarus Stewart, for the daring Insult he has committed on Authority of Government, and we have no doubt but a future Assembly will chearfully make Provisions for the Payment of fifty Pounds for the taking him whenever the same shall become due.

"From the Affidavit laid before us by the Secretary, we observe there is Cause to suspect the said Stewart hath been guilty of a Crime of a more atrocious Nature than that mentioned by your Honour; should the Reward to be offered for taking him have the intended effect, we have not the least doubt but you will give Orders for prosecuting him, as well for any other Offences supported by proper Evidence, as for the audacious Contempt he has shewn to the authority of the Magistracy.

"Signed by Order of the House.

"JOSEPH GALLOWAY, *Speaker.*

"September 28th, 1770."

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Saturday, the 29th of September, A. M.

The Governor returned to the Assembly the Bill for the Support of Government, &c^{a}, with his Assent, and the Bill "for vaca-

ting part of a Road in the Township of Passyunk, and for laying out and making a new Road instead thereof," with the following written Message, Viz^{t}:

A Message from the Governor to the Assembly.

"Gentlemen:

"From the best Judgment I have been able to form of the Bill now before me, entituled "An Act for vacating a Part of a Road in the Township of Passyunk, and for laying out and making a new Road instead thereof," it is proposed that a new Road shall be laid out for public Use, to intersect the River Schuylkill in a Point opposite to a Place on the other side of that River from whence a Provincial Road has been applied for, by a Petition to me and the Council, to intersect the old Road leading to Chester at Crum Creek. It may be proper to inform you, that in Consequence of this Petition an Order of Council has been made, appointing a number of Gentlemen on their own view to judge of the Utility of that Road, and to make their Report accordingly. As, therefore, the necessity of laying out the Road proposed by the Bill, seems to me wholly to depend on what may be done in the Case of the other Road with which it is intended to have communication, I think there would at present be great impropriety in passing the Bill under Consideration; Besides, Gentlemen, the Acts of Assembly of this Province having established proper Judicatories for laying out both Provincial and private Roads, I cannot see what Occasion there is for the Legislature to interpose in these cases. For these Reasons, I am under the disagreeable necessity of returning you the Bill with a Negative.

"JOHN PENN.

"September 29th, 1770."

The Secretary then delivered the following Verbal Message from the Governor to the Assembly, in answer to their Remonstrance of yesterday, Viz^{t}:

The Governor commands me to acquaint the House that will he take Care, agreeable to their Request, to represent the Matter set forth in their Remonstrance to His Excellency General Gage, as speedily as possible.

—

Council Chamber, Saturday 1 o'Clock, P. M., September 29th, 1770.

The Governor having received a Message from the Assembly requesting to know when he would be pleased to pass the Bills which he had agreed to, and having appointed the present Time for that Purpose, sent a Message to the House by the Secretary, requiring

their Attendance in the Council Chamber, that the Bills which had received his Assent might be enacted into Laws. The whole House attended accordingly, and the Speaker presented to the Governor the four following Bills, which His Honor was pleased to enact into Laws, signed a Warrant for affixing the Great Seal thereto, and appointed Mr. Tilghman and the Secretary to accompany two Members of Assembly to see them Sealed and deposited in the Rolls Office, Viz^t^:

"An Act for regulating Waggoners, Carters, Draymen, and Porters, within the City of Philadelphia, and for other Purposes therein mentioned."

"An Act for the Regulation of Apprentices within this Province."

"An Act to continue the Act entituled 'An Act for the opening and better amending and keeping in repair the Public Roads and Highways within this Province;'" and

"An Act for the Support of the Government of this Province, and Payment of the Public Debts."

The Speaker then presented to the Governor, on behalf of the House, an Order on the Provincial Treasurer for £1000, for His Honor's Support for the present Year, for which the Governor thanked the House.

"*By the Honourable JOHN PENN, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, and Sussex, on Delaware:*

"A PROCLAMATION.

"WHEREAS, it appears by the Deposition of John Pilip De Haas, Esquire, one of His Majesty's Justices of the Peace for the County of Lancaster, that a certain Lazarus Stewart, who, among others, stands charged with the Crime of Arson, was on the 15th day of last Month legally apprehended for the same, in virtue of a Warrant issued for that Purpose by one of the Judges of the Supream Court of this Province: *And whereas*, the said Stewart, in defiance of all Law and Authority, did, on the same Day, with the Assistance of a number of lawless People who joined him, rescue himself from the Custody of the Constable who arrested him, and not only beat the Constable with great Severity, but abused and threatened the said De Haas in the Execution of his Office as a Justice of the Peace, in the most insolent manner:

"*And whereas*, it is highly expedient for the Preservation of the Public Peace, and enforcing a due Execution of the Laws, that the said Lazarus Stewart should be brought to Justice, as well for the Crime for which he was arrested, as for the daring Insult he has shewn to the Authority of Parliament; I have, therefore, by and with the Advice of Council, thought fit to issue this Proclamation, hereby strictly charging and commanding all Judges, Justices, Sher-

iffs, Constables, and other Officers, as well as all other His Majesty's Subjects within this Government, to make diligent Search and enquiry after the said Lazarus Stewart, and to use all lawful means for apprehending, securing, and bringing him to Justice. And as an Encouragement for that Purpose, I do hereby promise and engage that the public Reward of fifty Pounds shall be paid to any Person or Persons who shall apprehend and secure the said Lazarus Stewart in one of the Public Gaols of this Province, so that he be brought to his Trial, and proceeded against according to Law.

"*Given* under my Hand and the Great Seal of the said Province, at Philadelphia, the third day of October, in the tenth Year of His Majesty's Reign, and in the Year of our Lord one thousand seven hundred and seventy.

"JOHN PENN.

"By His Honour's Command.

"JOSEPH SHIPPEN, J^r., *Secr'y.*"

"GOD SAVE THE KING."

At a Council held at Philadelphia on Thursday the 4th October, 1770.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

William Logan, Benjamin Chew, } Esquires.
James Tilghman,

The Governor laid before the Board the Returns of Sheriffs and Coroners for the Counties of Philadelphia, Chester, Bucks, Berks, Northampton, and New Castle, which being duly considered, the following Persons were appointed and Commissionated as Sheriffs and Coroners of their respective Counties, Viz^t.:

Judah Foulke,	Sheriff,	Philadelphia City &
Caleb Cash,	Coroner,	County.
Jesse Maris,	Sheriff,	Chester County.
Joseph Gibbons, Junior,	Coroner,	
Joseph Ellicott,	Sheriff,	Bucks D^o.
James Wallice,	Coroner,	
Jacob Shoemaker,	Sheriff,	Berks D^o.
Samuel Jackson,	Coroner,	
Peter Kachlein,	Sheriff,	Northampton D^o.
William Ledlie,	Coroner,	
Thomas Duff,	Sheriff,	New Castle D^o.
Henry Vining,	Coroner,	

Saturday the 6th of October, 1770.

The Returns of the Sheriffs and Coroners for Lancaster, York, Kent, and Sussex Counties, being now made, The Governor appointed and Commissionated the following Persons as Sheriffs and Coroners for their respective Counties, Viz^{t}:

Frederick Stone,	Sheriff,	Lancaster County	
Samuel Boyd,	Coroner,		
George Eichelberger,	Sheriff,	York	D^{o}
Joseph Adlum,	Coroner,		
James Caldwell,	Sheriff,	Kent	D^{o}
John Smither,	Coroner,		
Boaz Manlove,	Sheriff,	Sussex	D^{o}
Reese Wolfe,	Coroner.		

A Conference was then held with several Munsey Indians.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}.

William Logan, James Tilghman, } Esquires.

Meetham, the Munsey Chief, and ten other Men.
John Kneebuckle, Interpreter.

The Chief addressed himself to the Governor, and with a String of Wampum went through the usual Ceremony of wiping the Eyes, cleansing the Ears, and clearing the Throat, that the Governor might look on his Indian Brethren and hear well what they had to say, and might speak to them from his Heart, and then delivered the String of Wampum.

The Chief then continued as follows:

"Brother:

"We are come from Welawanung, or the big Horn, where we keep a great Fire. When we came from the Horn, which is our Place of Residence, I perceived the Road was very dirty and nasty, my Brothers all Bloody, and Your Houses full of Blood and Filth I now sweep the Road quite clean and wash away all the Blood from your Bodies and Houses.

"Brother:

"There are a great many of my Brethren's Bones laying out of Doors, I see them every now and then scattered about in different Places; I now collect them all together, and take them up, and carry them to a Place where no People have ever yet been. I see

there a great Tree, which I now pull up by the Roots, and I put in its Place all my Brethren's Bones, and bury them there, so that they may never be seen again, and that your Grand Children may never know where they are buried.

A Belt of eight Rows.

" Brother :

" There is something the Matter with your Heart; it is all on one side; I now make it as strait and as good as it used to be, when we talked good words at the great Treaty at Easton.

A Belt of seven Rows.

" Brother :

" I now make the Road good by removing the Stumps and Stones, and I bend the great Trees down on one side, that the Road may always remain open, and there may be no more Uneasiness between us.

A black and white Belt of seven Rows.

" Brother :

" I must now aequaint you with the Business of my coming to Philadelphia.

" I am just come from a Treaty lately held with the Indians by Sir William Johnson, which has occasioned my coming here at this Time.

" Brother :

" I must tell you that We are quite Poor, and that our young Men cannot walk so far as Philadelphia for such Things as they want, and therefore we want a Store Keeper and a Gun Smith to live among us at our Town, the big Horn, by whom we may be supplied with Blankets and other Cloaths, and that we may conveniently get our Guns mended and repaired from Time to Time, and therefore, Brother, we request you will fix a Store and a Gun Smith there.

A Belt of six Rows.

" Brother :

" I am to inform you that I do not come now to Philadelphia of my own Accord; I am sent here by the Six Nations. Now, Brother, I fill your Pipe, and you must look towards our country; and when the Leaves come out in the Spring, or as soon as the Bark Peels, we and the Six Nations will come here to see you and speak to you, for we have a great deal to say to you.

" Brother :

" There was a Belt of Wampum sent up among us about a Year ago from Philadelphia, and we inform you that every thing has been done by us as you desired.

" Brother :

" I want to know at what Place we shall have a Treaty with you. There are two Fires; one of them is here, and the other at Easton. But we leave it to you to chuse where We shall meet you.

A Belt of five Rows.

" Brother:

" I have now finished what I had to say respecting the Business of my coming here; but I am to inform you that there are here among us a Cherokee Indian Man, his Wife and a Child, who are just come down the Susquehanna from Sir William Johnson's; and as they are desirous of returning home to their own country in the most expeditious manner, they request that the Governor will give them a Passport, that they may proceed to Carolina with Safety.

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Monday the 8th of October, 1770.

The Return of Sheriff and Coroner from Cumberland County being now made, the Governor appointed and Commissionated

David Hoge, & William Denny, Sheriff, Coroner, } of the said County.

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Council Chamber,

MEMORANDUM, the 14th of October, 1770.

A Committee of the Assembly waited on the Governor yesterday, and acquainted him that, pursuant to the Charter and Laws of this Province, a Quorum of the Representatives had met, and having proceeded to chuse their Speaker, desired to know when he would be pleased to receive the House, that He might be presented for His Honor's Approbation. The Governer having appointed this forenoon at eleven o'clock for that Purpose, acquainted the House by the Secretary that he attended his Appointment in the Council Chamber, and was ready to receive the House with their Speaker.

The Whole House waited on the Governor, and presented *Joseph Galloway*, Esquire, as their Speaker, who after receiving the Governor's Approbation, claimed the usual Priviledges in the Name and Behalf of the House; to which the Governor replied that he thought those Priviledges inherent in a Representative Body, and he should be careful to protect the House therein.

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Tuesday, the 16th of October, 1770.

The Governor sent the following Message to the Assembly by the Secretary, who at the same Time laid before the House a Copy of an Indian Conference therein referred to.

The Message follows in these Words, viz^{t} :

"Gentlemen :

"I have ordered the Secretary to lay before you a Conference I had on the sixth Instant with some Munsey Indians, charged with a Message from the six nations, informing me that they have a great deal to say to me, and requesting that I would hold a Treaty with them some Time next Spring. I have not been able to collect what particular Business they have to transact with us. Should it relate to matters which concern this Province only, and are not merely Objects of Negotiation between His Majesty and them, which, by the late Royal Regulations, fall within the Department of the Superintendants of Indian Affairs, Justice and good Policy, in my Opinion require, that we should comply with their Request in an Affair of such Importance, and which in its Consequences may be attended with a considerable Expence to the Public. I should be glad Gentlemen of your Advice and Assistance, and shall detain the Indians till I receive your Answer, which I request may be as soon as possible.

"During my Administration I have often been put to great Difficulties for want of Money to defray the Expences of such Indians as have applied to me from Time to Time in the Recess of Assembly, and have sometimes been under the Necessity of detaining them longer than I should have done on that Account, which has greatly enhanced the Public Expence. I think it would be to the Honor, as well as Interest of the Province, that a permanent Fund should be established for this Purpose. I therefore earnestly recommend this Matter to your Consideration, and hope you will make such Provision as you judge may be adequate to the Occasion, without Loss of Time.

"JOHN PENN.

"October 16th, 1770."

Wednesday the 17th of October, 1770.

Two Members of Assembly waited on the Governor and presented him a Message, which follows in these Words, viz^{t} :

"May it please your Honour :

"The House taking into their serious Consideration your Honor's Message of the 16th Instant, with the Minutes of Conference therewith sent by the Secretary, beg leave to remark that the House esteem it their Duty at all Times carefully to attend to the Complaints of Indians, and to apply every reasonable Means in their Power to keep them in good Temper and Harmony with this Government. But, as it does not appear by the present Application for a Treaty with this Province what is the Cause thereof, nor is it

made with such Certainty or with those Ceremonies usually attending such Requisitions, We apprehend We should not at present be justifiable in burthening our Constituents with the great Expence which would attend a public Treaty. We therefore beg leave to recommend it to your Honor to confer further with the Indians now in the City, and if they can inform you of any Complaints the six nations or any other Indians have against this Government, or of any other Motive to desire a Treaty with us, the House will, upon being acquainted therewith, duly consider the same, and afford to your Honor such Advice and Assistance as the Nature of such Complaints or Motives may require. With regard to your Honor's Recommendation that the House would provide a Fund to defray the Occasional Expences of Indians coming to this City during the Recess of Assembly, we are of Opinion that the establishing such a Fund may be attended with Inconveniencies, as thereby Numbers of Indians will be encouraged to pay frequent and unnecessary Visits to Philadelphia, to the great Expence of the Province. And We look upon such an Establishment the more unnecessary as former Houses of Assembly have always chearfully discharged such Expences as have accrued upon like Occasions, and We presume your Honor may confide in it, that this, and future Assemblies, will readily defray any reasonable Charges that may be required for such Purposes.

"Signed by Order of the House,

"JOSEPH GALLOWAY, *Speaker.*

"October 17th, 1770."

At a Council held at Philadelphia, on Friday 19th October, 1770.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a^

William Logan, Benjamin Chew, } Esquires.
James Tilghman,

This being the Day appointed by the Board for the further Consideration of the Return of the new Road from Schuylkill to Strasburg, in Lancaster County, which was laid before them on the 26th of September last, there appeared at the Board, in consequence of Notice given them by the Secretary, a Number of the Inhabitants of Chester County, who had preferred Petitions against the Confirmation of it, and praying a Review, so that the Road might be altered, in order to accommodate them and others residing in the most Southern Parts of that County. They then made their several Objections to the Road as laid out, some complaining that the Road, by running through their Lands, cut their Fields and Mead-

ows in such a Manner as would do them great Injury, and others asserting that a straiter and better Road might be laid out, leading in a direct Course from Strasburg to the Middle Ferry on Schuylkill, leaving the Ship Tavern on the Lancaster Road about four miles to the Northward, which would not only be more convenient for the People of Strasburg and other parts of Lancaster County, but also be of much greater Use and Benefit to those of Chester County in general.

Several of the Persons appointed to lay out the new Road also attended the Board, and replied to the Objections which were made, and they represented to the Board that they had taken very great Pains to discover the best Grounds for the Road, so as to lay out the same as strait and level as the Nature of the Country would admit of, and to do as little Injury to individuals as possible, and that upon a careful Examination, they found the Country to the Southward of the laid out Road so broken and Hilly in many Places as not to admit of a strait and tolerable Road through the same.

There being but a small Board met, it was judged proper to postpone the further Consideration of this Matter till Saturday the tenth of November next.

At a Council held at Philadelphia, on Saturday 20th October, 1770.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

William Logan, Benjamin Chew, James Tilghman, } Esquires.

The Munsey Indians who spoke to the Governor on the sixth of this Month, being desired to attend this Morning at the Governor's House to receive his Answer, *Meetham* the Chief, and ten other Indians, with Isaac Still, their Interpreter, appeared at the Board accordingly, when the Governor spoke to them as follows, viz^{t}:

"Brethren:

"I am glad to see you here, and by this String of Wampum I bid you welcome, and wipe the Sweat and Dust from your Bodies, which you have contracted in coming down on your Road here. I am now going to speak to you in answer to what you said to me a few Days ago, and by this String open your Ears and Eyes that you may see me clearly, and hear distinctly what I have to say to you. I also cleanse your Throats, that what I speak may have a free Passage to your Hearts.

A String.

"Brethren:

"You told me you were come from Welowanung, or the big Horn, where you live and keep a great Fire, and that as you came along you observed the Road to be much obstructed with Dirt and Nastiness, and very Bloody; that you swept all the Dirt and Filth away, and cleansed all the Blood from our Bodies and Houses. You also told me you saw a great many of our Brethren's Bones lying about on the Road in different Places; that you collected them together, and carried them out of the Road to a Place where no Person had ever been, and buried them under the Roots of a great Tree, so deep that neither any of us, nor our Children, nor Grand Children, may ever see them again or know where they were buried.

"Brethren:

"It gives me great Concern to think there should be any Blood or Bones of our Brethren or Friends lying scattered on the Road and unburied at this Time; I thought they had been buried long ago. I know I did every Thing on my part to bury them, and to wipe away the Tears from the Eyes of their Relations and Friends, and remove the Sorrow from their Hearts, by my Messages and Belts sent to Sir William Johnson on that Account, with a Quantity of Goods to cover their Graves, and I have been since informed it was regularly done, to the Satisfaction of all Relations and Friends concerned. I now heartily join my Hands with yours, and remove all the Blood from the Roads, and wipe all places clean that have been sprinkled or stained with it; and I collect together and bury all their Bones so deep under Ground that neither you, nor we, nor any of our Children, or Grand Children, may ever see them again or know they ever lay there.

A Belt.

"Brother:

"You tell me there is some thing the Matter with my Heart; that it lies all on one side; that you make it strait and good, as it used to be when we talked goods words together at the Treaty at Easton.

"Brethren:

"I am sorry you should think there is any thing wrong in my Heart; I am afraid some evil Spirit has been whispering some thing that is not true in your Ears. Be assured my Heart is good and sound, and full of Love for all my Brethren, the Indians; It does not lie on one side, as you say, but in the middle of my Breast; I have nothing but good will for my Brethren, and you may always depend on this, that when my Mouth speaks good words to you they always come from my Heart.

A Belt.

"Brethren:

"I thank you for removing all the Stumps and Stones from the Road between your Towns and this City, and for clearing away the

Bushes and every other Thing that Stopped it up. I do by this Belt, join you in making that Road so clean that nothing shall remain in it that can hurt the feet of any of my Brethren and Friends when they travel it, and so clear that we may see each other from from our own Houses.

A Belt.

" Brethren :

" I am sensible of the great distance you now have to travel to trade and supply yourselves and your Families with Blankets and other Necessaries. Agreeable to your request, I will speak to and encourage some of my People to come and build a Store House among you, to supply you with every Thing you may want to buy, and to endeavour to get a Smith to go with him to mend your Guns.

A Belt.

" Brethren :

" You tell me you don't come down here of your own accord, but that you are sent by the six Nations, and desire me to look towards your Country; that you and the six Nations desire to come down next Spring, to see and talk with me; that you have a great deal to say to me, and would be glad to know whether I should chuse to receive you here at our Council Fire or at Easton.

" Brethren :

" The Six Nation Indians and others of our friendly Indians, have been told by Sir William Johnson, that he and He alone, has a Commission and Order from our Great King on the other side of the great waters, to hold Treaties and confer with Indians, and that when they want to speak any Thing that is in their Hearts, he has told them they must come to him and speak first to him.

" Brethren :

" It will always give me Pleasure to see my Brethren, the Indians, when they have any Thing in their Hearts to say to me, but as Sir William Johnson is appointed by the Great King to confer with all Indians to the Northward and Westward, I cannot now fix any Time or Place to meet and confer with you in a Treaty till I have wrote to Sir William Johnson, and mentioned your desire to him. This I shall do immediately, and when I receive his Answer I shall send a Messenger to you on Purpose; In assurance of which I give you this Belt.

A Belt.

" Brethren :

" I thank you for the Care you took in delivering my message and Belt sent you about a year ago, and to hear that every thing was done agreeably to my Desire.

"Brethren:

"I desire you will inform our Brethren, the six Nation Indians, and others of our Friends, that I cloathed the Cherokee Indian and his wife and Child who came down with you, and sent them by Water to South Carolina, and gave him a Letter to the Governor there, desiring him to take Care of him, and send him the shortest and safest way to the Cherokee Town where he lived. This I did because it would be much easier and safer for him than to travel all the way by Land, through the several Governments, and I am assured the Governor of Carolina will take great care of him.

A Belt.

"Brethren:

"You tell me you are poor and desire me to look on you as such. I have always been ready to assist my Brethren, the Indians, when they stand in need of my Help. I assure you Brethren, I am at present very poor myself. The Cloaths I generally give the Indians are all made on the other side the Great Waters. The Ships that bring them before Winter sets in are not yet arrived, so that there are very few Blankets or any Indian Goods in this Town; what few I could find in Town I have bought and now give you, and hope they will keep you warm this Winter, and desire you to accept them as a Mark of my Love and good will towards you."

New Castle, Tuesday 23d of October, 1770.

Three Members of Assembly waited on the Governor with a Message from the House, acquainting him that they had met on the 20th of this Month, pursuant to the Charter and Laws of the Government, and had proceeded to chuse their Speaker, and desired to know when and where they should wait on him to present him for His Honour's Approbation; and the Governor having answered that he should be ready to receive the House immediately, at Mrs. Clay's, they accordingly attended there and presented John Vining, Esquire, as their Speaker, who, after being approved by the Governor, claimed the usual Priviledges, which were allowed, and then they withdrew.

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Eodem Die.

A Committee of the Assembly waited on the Governor and acquainted him that the House were duly qualified, and desired to know if His Honour had any Business to lay before them; to which the Governor replied that he had none at present.

Saturday, November 3d, 1770.

The Assembly having sent up to the Governor for his perusal and Concurrence the four following Bills, they were duly read and considered, and this day returned to the House by the Secretary, with the Governor's assent to the three first mentioned Bills, and a few small Amendments to the other; to which Amendments the House immediately acceded, Viz^{t}:

"An Act to invest John Clayton with an exclusive Priviledge and Benefit of making and selling a Machine for threshing of Wheat, on a Model by him invented."

"An Act for killing of Squirrels in the County of Kent."

"An Act obliging Persons returned and appointed for Constables to serve accordingly, and for ascertaining their Fees."

"An Act for the more effectual embanking, draining, and improving the Marsh, Cripple and low Land on Herring Gut Branch, in little Creek Hundred, and County of Kent, upon Delaware, in the Tenure and Occupation of John Brinckle, Jonathan Osborn, and others."

Three Members afterwards presented to the Governor another Bill for Concurrence, entituled "A Supplementary Act to an Act entituled 'An Act for regulating Elections, and ascertaining the Number of Members of Assembly,'" which being read, the Governor judged that he had not sufficient Time before the breaking up of the Assembly fully to consider it, and therefore sent a Verbal Message to the House by the Secretary, acquainting them that for that Reason he proposed to keep it in his Hands, under Consideration, 'till the next sitting of the Assembly, as he knew it could be attended with no Disadvantage to the Public.

At a Council held at Philadelphia on Wednesday 7th November, 1770.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}.

James Hamilton, Benjamin Chew, } Esquires.
James Tilghman,

The Governor laid before the Board a Transcript of a Record of the Conviction of George Allen for Horse Stealing, whereby it appears that at a Court of Oyer and Terminer and General Goal delivery, held at New Castle, for the County of New Castle, on Monday the 15th day of October last, before John Vining, Richard McWilliams, Cæsar Rodney and David Hall, Esquires, Justices of the Supreme Court and of the said Court of Oyer and Terminer, the said George Allen was tried and convicted upon his own Con-

fession, of feloniously stealing a Gelding, of the Value of fifteen Pounds, the Property of Robert Wallace, on the 18th of September last, and had received Sentence of Death for the same. The said Record being taken into Consideration, and the said Justices having recommended the said George Allen as an object of Mercy, The Governor was pleased to order that a Pardon should be made out, under the Great Seal of the lower Counties, and delivered to him.

By the Transcript of another Record of Conviction, laid also before the Board, it appears that at a Court held for the Trial of Negroes at Philadelphia, for the City and County of Philadelphia, on the 24th day of October last, before George Bryan and James Biddle, Esquires, two of His Majesty's Justices, &c^a^ duly Commissionated, with the Assistance of six substantial Freeholders of the said County, legally sworn and affirmed, a certain Negroe Will, the Slave of Luke Morris, of the said County, was tried and convicted of Felony and Burglary committed on the 1st of March last, in the Mansion House of a certain Thomas Lee, in the said County of Philadelphia, and that the said Negroe had received Sentence of Death for the same.

The Governor at the same Time, laid before the Board a Petition in behalf of the said Criminal, from his Master, and subscribed by the Justices and Freeholders before whom the said Negroe was tried and convicted, recommending him as a proper Object of Mercy. The Council taking the Matter into Consideration, advised the Governor to grant him a Pardon, on Condition that his Master should immediately transport him out of this Province, and give Security that he shall never again return into it.

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MEMORANDUM, The 8th of November, 1770.

This day the Governor was pleased to appoint Phillips Kollock, Esquire, to the Offices of Clerk of the Orphans' Court for the County of Sussex, and Register for the Probate of Wills, and granting Letters of Administration in and for the said County of Sussex, by two distinct separate Commissions, in the room of his Father, Jacob Kollock, Esquire, who resigned.

At a Council held at Philadelphia, on Saturday the 10th of November, 1770.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a^

William Logan, Benjamin Chew, James Tilghman, } Esquires.
Richard Peters,

The Consideration of the Return and Survey of the new Road laid out from the Middle Ferry, on Schuylkill, to the Ship Tavern,

on the Conestogoe Road, and thence to the Village of Strasburg, in the County of Lancaster, was this day resumed, when a Petition from divers Inhabitants of that County, and one from the Merchants and others of the City of Philadelphia, representing the usefulness and necessity of that Road, and praying a confirmation of it, were presented to the Board and read. Several Inhabitants of Chester County, at the same Time attending at the Board, presented other Petitions, chiefly from the People of that County, against the said Road, which were likewise read, and the Objections made by the Persons present were duly heard; Whereupon, the Board, after full Consideration had of the several Matters contained in the Petitions, and the Declarations made by the Persons who were appointed to View and lay out the Road, were of Opinion that the same ought to be confirmed, And the said Road is accordingly, by the Board, adjudged to be for ever hereafter a Public Road or King's Highway, and *Ordered* to be opened of the breadth of Sixty feet at least, and to be recorded in the Council Book, as the Act of Assembly in that Case Directs.

It is further Ordered, that the Supervisors of the Highways for the several Townships in the Counties of Philadelphia, Chester, and Lancaster, through which any part of the said Road leads, do, with all convenient Speed, cause the same to be cleared and opened through their respective Townships, according to the Courses and Distances set forth in the said Return of Survey, which follows in these words, Viz^{t}:

To the Honourable JOHN PENN, Esquire, Lieutenant Governor, and Commander-in-Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, and Sussex, on Delaware, and to his Honourable Council.

Pursuant to the annexed Order, We, the Subscribers, having spent much Time in making search and viewing the Ground for a Road or King's Highway, as therein is directed, Do lay out a Road or King's Highway from the Middle Ferry on Schuylkill, to the sign of the Ship, on the Conestogoe Road, and from thence to the Village of Strasburg, as is above represented, and according to the following Description, Viz^{t}: Beginning at the West end of the said Middle Ferry Wharfe, thence North seventy Degrees, West four hundred and ninety two Perches to a marked black Oak, on the Brow of the Hill on the East side of Mill Creek; thence West thirteen Perches; thence South seventy-two Degrees, West thirty-three Perches, crossing the said Creek, to a marked Hickory; thence North eighty-two Degrees, West five hundred and sixty-three Perches to a White Oak on the South-East side of Cobb's Creek, which is the Line dividing the Counties of Philadelphia and Chester, at about three Perches from the same; thence North fifty-six degrees and an half West, crossing the said Creek at about half a Perch

below the present Bridge thirty-seven Perches, to a heap of Stones about three Perches South-West of a Water Course; thence South eighty-three degrees, West one hundred and sixty Perches, to a White Oak, standing about fourteen Perches from the Southward most part of John Sellers's Mill Race; thence North seventy-three Degrees, West eleven hundred and forty-four Perches; thence North sixty-nine degrees, West one hundred Perches; thence north seventy-four Degrees, West forty-eight Perches, to a small upright Rock, at about a Perch and an half south of a rocky point of a Hill; thence North sixty degrees and an half, West twenty-four Perches to Darby Creek; thence the last Course continued, fifty six Perches; thence North forty-six degrees, West forty-four Perches; thence North seventy-five degrees and an half, West ninety-six perches, to a Stone on a narrow Ridge opposite a Spring in John Morris's Field; thence the last Course continued, four hundred and ninety-two Perches to a Black Oak in Newtown Road, on a narrow Ridge between two deep Hollows; thence North eighty-four degrees, West one hundred and eighty-six Perches, to a large English Cherry Tree, at the end of Richard Fouke's Lane; thence North seventy eight degrees, West eighty seven Perches; thence North seventy degrees, West one hundred and fifty-three Perches, to the intersection of several Roads near Newtown School House; thence South eighty-eight degrees, West three hundred and forty-eight Perches, to a Lane; thence North eighty-five degrees, West one hundred and fifty Perches, to a black Oak, in or near the Line dividing the Lands of Nathan Lewis and William Rees; thence North sixty-nine degrees, West eighty-seven Perches, to a white Oak on the East Bank of Crumb Creek; thence North seventy-eight degrees, West one hundred and sixty Perches; thence on or near the old Road and a Line dividing the Lands of Francis Yarnall and Isaac Thomas, South eighty six and an half, West eighty Perches to a Chestnut Tree, a Corner of said Francis Yarnall's Land; thence North seventy-four degrees and an half, West four hundred and sixteen Perches, to the upper part of a hollow opposite a Tan Yard; thence North sixty-four degrees, West three hundred and fourteen Perches; thence North eighty-four degrees, West four hundred and five Perches, into an old Road opposite the House of Jesse Garret; thence North seventy-six degrees and three quarters, West passing between the dwelling House and Spring House of Isaac Williams, twelve hundred and eighty Perches, to the Tree on which the sign of the Boot hangs, near the Tavern called the Boot; thence North seventy-three degrees, West one hundred, and thirty Perches, into the Old Road opposite the House of Lawrence Rice; thence South eighty-nine degrees and an half, West four hundred and sixteen Perches; thence South sixty-four degrees, West one hundred and forty-eight Perches; thence south Seventy-five degrees and an half, West two hundred and seventy Perches, to the Westwardmost end of a Row of Cherry Trees; thence South eighty-nine degrees, West seventy-

two Perches, to Wilmington Road; thence down the Valley Hill the four following Courses and Distances, Viz^t: North sixty-one degrees, West ninety-two Perches; thence North seventy-six degrees, West seventy-two Perches; thence North sixty-eight Degrees, West forty Perches; and thence North forty-eight degrees, West Sixty Perches, to the foot of the Valley Hill; thence South eighty-three degrees, West three hundred and forty-eight Perches, to Joshua Baldwin's Line; thence South eighty-seven degrees, West four hundred and eighty Perches, to Conestogo Road; thence along the said Road, south seventy-three degrees, West one hundred and sixty-four Perches, to the sign of the Ship; thence South seventy-one degrees, West three hundred and fifty-eight Perches; thence South eighty-nine degrees, West two hundred and sixty-three Perches, to a black Oak, to the west of Thomas Pimm's Lane; thence South seventy-seven degrees and three quarters, West five hundred and sixty Perches, to a marked black Oak, at about twenty-eight feet South of Alexander Fleming's Public House; thence the last mentioned Course continued two hundred and fourteen Perches to a Spanish Oak; thence South sixty-eight degrees, West fifty-two Perches, to a marked black Oak on the West branch of Brandywine; thence South sixty-six degrees and three quarters, West eighty Perches; thence South sixty-nine degrees and an half, west one hundred and twenty Perches; thence South seventy-eight degrees and an half, West two hundred and eighty Perches, to a Crab Tree; thence South seventy-two degrees and three-quarters, West three hundred and eight Perches, to a marked Ash by a Spring; thence South seventy-eight degrees, West two hundred and twenty Perches, to Wilmington Road; thence North seventy-eight degrees, West two hundred and forty Perches, to a Branch of Buck Run; thence South seventy-nine degrees, West one hundred and eighteen Perches, into the old Road opposite a Store House near Thomas Trueman's House; thence South eighty-four degrees, West two hundred and sixty-two Perches, into Marshe's Lane, to the Westward of the Barn; thence up the Valley Hill, North seventy-two and an half degrees, West two hundred and ninety-eight Perches, to an Old House of John Boggs; thence North seventy-four degrees, West three hundred and sixty-eight Perches, near the Head of a Hollow, a little to the Westward of a Lane, on a Line dividing the Lands of William Moore and William Powell, thence North seventy-nine degrees, West five hundred and twenty Perches, to a marked Ash; thence North sixty degrees, West three hundred and one Perches, opposite to the Head of a Spring, near Samuel Symonds's House; thence North seventy-two degrees and an half, West two hundred and sixty-two Perches, to opposite the East end of the Sheds belonging to the Gap Tavern; thence North fifty-five degrees, West ten Perches, to opposite the Front door of the said Tavern; thence North thirty-five degrees, West seventy-four Perches, to a Stake twenty-seven feet West of a Stone Spring

House; thence North eleven and an half degrees, West eleven Perches, to a marked Spanish Oak; thence North eighty-nine degrees, West twenty-three hundred and thirty-eight Perches, to a Stake; thence South eighty-eight degrees, West two hundred and nineteen Perches, to a white Oak at the East end of Strasburg street; thence by the said street North seventy-two degrees, West forty-nine Perches, to a Stone, and thence North eighty-four degrees fifty Minutes, West one hundred and eighty Perches, to a Stone in the intersection of the said street, with a Road leading to Lancaster, Which Road, if properly opened and well made, will be of great Utility and Advantage to the City of Philadelphia, as well as to the Inhabitants of this Province to the Westward, it being much shorter and on better Ground than the old Conestogo Road, besides suiting a number of People to the South of the old Road, who now have no convenient Road to the said City.

"JOHN MORTON,
"JOHN SELLERS,
"JAMES WEBB,
"JOSEPH FOX,
"JACOB LEWIS,
"DAN^{L} WILLIAMS.

"August 15th, 1770."

At a Council held at Philadelphia, on Tuesday 11th December, 1770.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}.

Richard Peters, Benjamin Chew, } Esquires.
James Tilghman,

The Governor laid before the Board A Petition from divers Inhabitants of Philadelphia, Bucks, and Northampton Counties, setting forth, "that about fifteen years ago Petitions were exhibited to the respective Courts of Quarter Sessions of the said Counties of Philadelphia and Bucks, praying that a Road might be laid out on the Line dividing the said Counties, to be begun in a Road formerly called Chamberlain's Mill Road, and to extend thence North West along the said Line to the new great Swamp Road; that the Courts accordingly appointed Men to view, and if the Ground would admit, and they saw it necessary, to lay out the same; that the viewers met, and being unanimously of Opinion that a Road in that Place was both necessary and practicable, laid out the same according to the desire of the Petitioners, but that upon some Doubts arising about the Legality or Propriety of the Proceedings, the Matter was discontinued and no confirmation obtained; and that as the Peti-

tioners are of Opinion such a Road is still wanted, and that it ought to be extended both higher and lower, they most humbly pray the Governor and Council would be pleased to appoint Men to view and lay out the same, beginning in a Road leading from Wright's Town to Bibury, and to extend thence on or as near the Line aforesaid as may be, to another great Road commonly called the Macungy Road, (near Michael Hurlocker's), or so much thereof as may appear necessary and Convenient."

The Board taking the said Petition into consideration, do order and appoint John Bull and Evan Thomas, Esquires, and Joshua Morris, of Philadelphia County, and Joseph Kirkbride, Thomas Barnsley, and John Kidd, Esquires, of Bucks County, to view the Grounds, and if they, or any four of them, think the Road petitioned for necessary for the Public, to lay out the same in the manner they, or any four of them, shall judge will be most advantageous for the Public Service, and least injurious to Private Persons through whose Lands the same may pass, and to make Report thereof to the Governor and Council, on or before the first day of June next, for their further Consideration, that they may do therein what shall appear most for the public Benefit.

It being represented to the Board that a Commission is wanted for the Trial of Negroes in Cumberland County, the Governor, with the advice of the Board, ordered one to be issued, appointing John Armstrong and John Byers, Esquires, Justices for holding Courts in that County for the Trial of Negroes, according to Law.

At a Council held at Philadelphia, on Wednesday 12th December, 1770.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c[a].

James Hamilton,	Richard Peters,	Esquires.
Joseph Turner,	Benjamin Chew,	
William Logan,	Thomas Cadwalader,	
James Tilghman,		

Pursuant to the Summons wrote by the Secretary to all the Members of Council by the Governor's Command, requesting their Attendance this Morning for the Election of some new Members, the Board met, and His Honor acquainted them that there were now two vacant Seats in the Council, which he thought necessary to be filled up, and therefore proposed Andrew Allen and Edward Shippen, Junior, Esquires, as Persons well qualified to serve as Members of Council, who were unanimously approved of by the Board. It is, therefore, Ordered that those Gentlemen have Notice given them hereof by the Secretary, and that they be summoned to attend

at the next meeting of Council, in order to take the usual Qualifications, and be admitted to their Seats at this Board.

At a Council held at Philadelphia, on Monday 24th December, 1770.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

Richard Peters, James Tilghman, } Esquires.

Andrew Allen and Edward Shippen, Junior, Esquires, having been summoned to attend the Council this Day, appeared at the Board, and took and subscribed the usual Oaths and Declarations enjoined by Law, and also an Oath for the faithful discharge of their Duty as Members of the Proprietary and Governor's Council, and were admitted to their Seats accordingly.

One of the Members represented to the Board that a new Commission for the trial of Negroes was wanted in Chester County, it being a Matter of some doubt whether the present Commission is not superseded by the issuing of the late General Commission of the Peace. The Governor, therefore, with the advice of the Board, judged it proper, in Order to remove such Doubt, to issue a new Commission, appointing John Morton and William Parker, Esqures, Justices for holding Courts for the trial of Negroes in the said County, according to Law.

MEMORANDUM. The 8th of January, 1771.

Two Members of Assembly waited on the Governor, and acquainted him that the House had met pursuant to Adjournment, and therefore requested to know if His Honour had any Business to recommend to them, to which the Governor replied that he had none at present.

At a Council held at Philadelphia, on Thursday 24th January, 1771.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

Benjamin Chew, Edward Shippen, Andrew Allen, } Esquires.

The Governor laid before the Board for their Consideration a Letter which he received by the last Packet from the Right Hon-

orable the Earl of Hillsborough, His Majesty's Secretary of State for the American Department, dated the 15th of November, 1770, inclosing an Extract of a Letter from Sir William Johnson, and of a Conference held by him last Summer with the six Nations, which were severally read, and the said Letter follows in these Words, Viz^{t}:

"(Circular).

"WHITEHALL, 15th November, 1770.

"Sir:

"The inclosed extract of a Letter I have very lately received from Sir William Johnson, will fully inform you of the complaints made by the six Nations of Indians, and their Allies and Confederates, at a Congress held in July last, at the German Flatts, of the abuses and Violences committed by the Traders and Frontier Inhabitants of several of His Majesty's Colonies, and the enclosed extract of the Conferences will point out to you how earnest the Indians have been in those Complaints, and what is likely to happen if they are not redressed.

"After the King had thought fit, from a Regard to the Claims and Opinions of the Colonies, to leave it to them to make such regulations concerning the Indian Commerce as they judged proper, there was good reason to hope that a Matter on which their Interest and Safety do so much depend, would have been an immediate Object of their Serious deliberation; but as, contrary to all expectation, nothing effectual appears yet to have been done, and as the Indians have, in the strongest Manner, expressed their impatience under the Abuses to which they are constantly exposed, the King has commanded me to signify his Pleasure that you should without delay, represent this Matter in the Strongest Manner to the Assembly of the Colony under your Government, and urge them, in His Majesty's Name, to fall upon some Means of putting Indian Affairs under such regulation as may have the Effect to prevent those Abuses of the Trade, and those Violences and encroachments of the Frontier Inhabitants, which the Indians so justly complain of.

"I am, Sir,

"Your most obedient humble Servant,

"HILLSBOROUGH."

"Deputy Governor of Pennsylvania."

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The Board having taken the said Letters, &c^{a}, into consideration, were of Opinion that the Contents of the Secretary of State's Letter should be communicated to the Assembly by a Message, and its inclosures laid before them; and that the Governor should recom-

mend it to them in the strongest Manner, to take the most effectual Measures for complying with His Majesty's Pleasure therein signified. And it was agreed that a Draft of a Message should be accordingly prepared, to be laid before the Board at their next Meeting.

MEMORANDUM, the 25th of January, 1771.

The Governor having received information that a Commission is wanted in the County of New Castle, for the trial of Negroes, (as one of the Gentlemen named in the last Negroe Commission for that County has since been created a Justice of the Supream Court and of the Court of Oyer and Terminer), his Honour this day issued one, appointing Even Rice and David Finney, Esquires, Justices for holding Courts in that County for the trial of Negroe and Mulatto Slaves, according to Law.

At a Council held at Philadelphia on Monday 28th January, 1771.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c[a].

Benjamin Chew,	James Tilghman,	Esquires.
Lynford Lardner,	Andrew Allen,	
Edward Shippen, Junior,		

The Governor laid before the Board four Bills sent up by the House for his Concurrence, entituled as follows, viz[t]:

"A Supplement to the Act entituled 'An Act for the better regulation of Servants within this Province and Territories.'"

"A Supplement to the Act entituled 'An Act for ereeting part of the Counties of Philadelphia, Chester and Lancaster, into a separate County.'"

"An Act to prevent the Destruction of Rock Fish and Oysters;" and

"An Act to regulate the Fishery in the River Schuylkill," which were severally read and considered, and the Secretary was directed to return the same to the Assembly, with three small amendments which were made to the first mentioned Bill, and a Verbal Message to the House that the Governor gave his Assent to the other three.

The Draft of a Message to the Assembly, on the subject of the Earl of Hillsborough's Letter of the 15th of November last, being prepared, was laid before the Board and approved, and the Secretary was directed to transcribe the same, and delivered it to the Assembly this Afternoon, with the Papers it refers to. The said Message follows in these Words, Viz[t]:

A Message from the Governor to the Assembly.

"Gentlemen:

"In obedience to His Majesty's Commands lately signified to me by the Earl of Hillsborough, I am now to acquaint you that at a Congress held at the German Flatts in July last, by Sir William Johnson, with the Six Nations, their Confederates and Allies, they loudly complained of Abuses and Violences committed by the Traders and frontier Inhabitants of the Colonies, strongly intimating that unless they are speedily redressed, and effectual Measures taken in future to prevent the like mischiefs, it will be impossible to restrain their young Men and Warriors from Acts of Revenge.

"I have ordered the Secretary to lay before you an Extract of one of the Conferences at the Congress, and of Sir William's Letter to the Earl of Hillsborough on this Subject, he transmitted me by his Lordship, which will make known to you the particulars of the Indian Complaints.

"You must be sensible Gentlemen, that the cultivating a lasting Friendship with the Indians, and the conciliating their Affections by all possible Means, are objects of the greatest Importance to His Majesty's Interest in General, and the Peace and Welfare of the Colonies in particular.

"Motives of Justice and good Policy alone would, I am persuaded, incline you to take this Matter into your most serious Consideration. But when you are informed that his Majesty has been pleased expressly to Order me without Delay, to represent it to you in the strongest Manner, and urge you in his Name to fall on some Means of putting Indian Affairs under such regulations as may have the Effect to prevent the Abuses of the Trade, and those Violences and Encroachments of the frontier Inhabitants which the Indians so justly complain of, you will, I make no doubt, hold yourselves bound by the Ties of Duty and Respect to your Sovereign, to give this Business the first Place in your Deliberations.

"JOHN PENN.

"January 28th, 1771."

At a Council held at Philadelphia, on Saturday 2d February, 1771.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

Benjamin Chew,	Andrew Allen,	Esquires.
James Tilghman,	Edward Shippen, Junior.	

The Governor laid before the Board a written Message he just now received from the Assembly by two Members which was read, and follows in these words, Viz^t:

A Message to the Governor from the Assembly.

"May it please your Honour:

"We have taken into consideration your Message of Monday last, with the Papers therein referred to, and have paid the strictest Attention, as it was our Duty, to the Representation made to us in the Name of our gracious Sovereign.

"We are extremely sensible of how great Importance it is to His Majesty's Interest, and the Peace and Welfare of the Colonies, to Cultivate a lasting Peace with the Indians, and to conciliate their Affections, and are very desirous of giving all the Assistance we can for promoting Purposes of such extensive Consequence, but we have too much Reason to be convinced, that our Power on this Occasion is not equal to our Zeal for His Majesty's Service, and for the Tranquility of the Colonies.

"A Law was made in this Province many years ago, to prevent those particular 'Abuses in the Trade,' which are mentioned in Sir William Johnson's Letter to the Earl of Hillsborough. The Regulations therein contained, are so prudently formed and so severely enforced, that we are inclined to believe it will be impossible for us, without the Concurrence of the other Colonies in some general Plan, to pursue any Mode that will prove effectual on this Head.

"Numbers of very profligate Persons from several Provinces go amongst the Indians to trade, and as they traffick through the whole Country without Restraint, and may elude the Laws of the Government to which they belong by retiring into another, Difficulties arise in detecting and convicting Offenders, that We apprehend cannot be removed but by the Method proposed in your Honor's Message to the last House of Assembly, recommending to them to frame a Bill for appointing Commissioners to meet with other Commissioners of the neighboring Colonies, to form and agree on a general Plan for the Regulation of the Indian Trade, with which they complied; but as a Meeting of those Commissioners has not hitherto been had, the desired effect has not yet been attained.

"As to the 'Violences' in general, complained of by the Indians in the Congress at the German Flats, we beg leave to observe that this Province has ever been careful to remove every Cause of Indian Complaints.

"In the eighth Year of the present Reign this Province granted three thousand Pounds 'for defraying the Expence of Presents of Condolance, and such other Gifts as should be necessary to remove the Discontents of the Indians.' Much the greater Part of this Sum was remitted to Sir William Johnson and his Deputy, George Croghan, Esquire, and the whole expended for those purposes. The Indians, on these Presents being made, expressed themselves entirely satisfied for all the Injuries they had received from the People of Pennsylvania. The Laws now subsisting have fully provided

for the Punishment of those who shall hereafter offer any Outrages within the Limits of this Province.

"With respect to the last Subject of the Complaints made by the Indians concerning 'Encroachments of the Frontier Inhabitants' on their Lands, we beg leave to remind Your Honour that the year before last An Act of General Assembly was passed, imposing heavy Penalties on Persons who should presume to settle, make Surveys, or cut down Trees on any Lands within the Boundaries of this Province, not purchased of the Indians, Provision having been made in the Reign of the late King to prevent any Persons even from Hunting on such Lands

"Motives of "Duty," "Justice," and "Policy," will ever induce us to take all proper Means for redressing the Greivances of Indians, and establishing an Intercourse with them on Terms that may produce a permanent and mutually benefical Harmony.

"If your Honour can point out any Measures likely to answer this good End, that have not occurred to us, we shall cheerfully and immediately unite with you to carry them into Execution.

"Signed by order of the House.

"JOS. GALLOWAY, *Speaker.*

"February 1st, 1771."

Then were laid before the Board and read, the Depositions of Aaron Vancampen and Peter Kachlein, the Sheriff of Northampton County, and sundry other Depositions, Examinations, and Letters, relative to the apprehending Lazarus Stewart, the particulars of his Escape, and afterward his violent Proceedings with a Number of People from Lancaster County, who had joined him in taking forcible Possession of the Lands at Wyoming; their cruel and inhuman Treatment of the People whom they had dispossessed, and Stewart's Opposition to the Sheriff of Northampton, who went there to execute a Writ and Warrant against him, and some of his Accomplices, together with his treacherous Murder of Nathan Ogden, who was one of the Sheriff's Posse.

Aaron Vancampen and Peter Kachlein's Depositions follow, in these Words, Viz[t]:

"Aaron Vancampen, of the County of Northampton, Farmer, aged fifty years, or thereabouts, being sworn on the Holy Evangels, deposeth and saith:

"That He is one of those who attended the Civil Officers at Wyoming, when the New England People were taken Prisoners there, in the Month of September last, and remained there in the Buildings commonly called the Fort, with many others who held under the Proprietaries of Pennsylvania, till the eighteenth day of December last, as this Deponent remembers, when about three o'Clock in the Morning, the People in the Fort being a-bed, the Fort was entered by a Body of Men from Hanover, in Lancaster County, armed with Guns and Clubs, and commanded by

Lazarus Stewart; that they upon entering the Fort huzza'd for the Hanoverians and King George, and immediately proceeded to break open the Doors of the Houses of the Fort; that they broke open the Deponent's Door, took him Prisoner, beat and abused him most unmercifully, and put him as a Prisoner under Guard; that they then proceeded in the same Manner through the Fort, breaking open Doors, beating and abusing the People, and making them Prisoners; that they then ordered the People within the Fort to depart immediately, and would scarcely give them Time to collect a small part of their Effects to take with them; that there were within the Fort when thus attacked, eighteen Men, six of whom made their escape, and twelve were made Prisoners, and a considerable Number of Women and Children, who were all driven out of the Fort by the said Lazarus Stewart and Company, in a cruel and inhuman Manner; that there were of this Company who took the Fort, twenty-three Hanoverians, and six New Englanders; that the Deponent knows the Names only of Lazarus Stewart, John Simpson, John Robinson, Thomas Robinson, and Robert Frazier, of the Hanoverians; and ——— Littleton, Elijah Gore, Nathaniel Gore, Thomas Bennet, and ——— Bennet, a Brother of the said Thomas, of the New Englanders; that the Evening before the Fort was taken, Major Draper, who the Deponent understood had lately been confined in Philadelphia Gaol, being one of the Prisoners taken at Wyoming in September, came to Wyoming, and the next Morning joined the Hanoverian Party in the Fort; that they took away the Guns from our People, and refused to return them, saying it was War fashion to keep the Arms; that the Deponent, in a Day or two after, as soon as he was able to travel, left Wyoming with his Family, and what little Effects he could take with him, and went over to Delaware, and further the Deponent saith not.

"AARON VAN CAMPEN.

"Sworn to the 11th day of January, 1771, before me,

"THO^{s} WILLING."

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"*Philadelphia, to wit:*

"Peter Kachlein, Esquire, Sheriff of Northampton County, makes Oath on the holy Evangels of Almighty God, that soon after last December Court at Easton, he received a Writ, issuing out of the Court of General Quarter Sessions of the Peace of the said County, commanding him to take Lazarus Stewart, Lazarus Stewart the younger, James Stewart, John Simpson, Thomas Robinson, James Robinson, Silas Gore, Asa Luttington, Peter Kidd, Isaac Warner, Partial Terry, William Young, Thomas Bennet, and divers other Persons therein named, to answer to a certain Bill of Indictment for a Riot there found, and depending against them, which

Writ was returnable at the Court in March next; and shortly after received a Warrant from the Honorable Thomas Willing, Esquire, one of His Majesty's Judges of the Supream Court of this Province, bearing date the eleventh day of January Instant, for apprehending Lazarus Stewart, John Simpson, John Robinson, Thomas Robinson, Asa Littleton, Elijah Gore, Daniel Gore, Thomas Bennet, and Joshua Bennet, to answer the Charge mentioned in the said Warrant; that being informed many of the Persons named in the said Writ and Warrant were at a Fort at Wyoming, in the said County, and threatened all Officers of Government, and set the Laws at defiance, he raised a Posse of the said County, to aid him in the Execution of the said Writ and Warrant, and proceeded with them to Wyoming aforesaid, where he arrived on the eighteenth day of January instant; that the next Morning, taking with him two of the Posse, and leaving the rest at some Distance, he advanced towards the said Fort, and having got within Gun-shot, was called to from the Fort, and ordered to stop, with threats of being fired at if he refused; whereupon, alighting from his Horse, he walked quietly up to the Gate of the Fort, and addressing himself to two Men who were within side, desired Admittance, which they refused; that he told them he was the Sheriff of that County, and had a Writ and a Warrant to apprehend some Persons, who, he was informed, were within the Fort, and demanded entrance, that he might execute the King's Process; that they presented their Guns at him, and threatened to shoot him if he advanced further, but told him he might walk round to the other side of the Fort and speak with Captain Stewart, (meaning Lazarus Stewart), who was at the Centry Box; that the Deponent accordingly went there, and applying himself to the said Stewart, who was one of the Persons named in the said Writ, and also in the Warrant, told him he was Sheriff of the said County, and had the King's Writ and Warrant to apprehend some Persons who were in the Houses, within the said Fort, and desired he might have Entrance to execute the said Process; That the said Stewart, in answer, said to him, 'I know what my Doom is if you take me; I have sent down a Man to the Governor, and shall wait his answer, which I don't expect these three Weeks; If the Governor will forgive me all my past Crimes, and give me some Land, I'll surrender myself, otherwise I'll fight it out as long as I have a drop of Blood left in my Body,' or words to that Effect; that he then ordered this Deponent to depart, on Peril of his Life, at the same Time presenting a Gun towards him; that the Deponent told him he would give him Time to consider better of the Matter, and retired; that the Deponent had several other Conversations with the said Stewart, on that and the succeeding day, in which he represented to him that he came there to do his Duty as Sheriff, and not to kill or hurt any one, and shewing him the said Warrant, and reading part of it to him, used all the Arguments he could to dissuade the said Stewart from opposing him in the Execution of his Office; that the said Stewart

and most of his Party obstinately persisted in their Resolution to oppose him, and frequently threatened to fire on the Deponent and his Assistants; that the Deponent still entertained hopes of gaining admission peaceably into the said Fort, as some few of the said Stewart's Party seemed well disposed, and he hoped might prevail on the rest; he, therefore, continued treating with them until Monday Morning about eight or nine O'Clock, when Nathan Ogden, one of the Deponent's Posse, whom he had summoned to assist him, going up to the Fort to talk with said Stewart upon the said Stewart's own Appointment, as the said Ogden told this Deponent, was fired at from the said Fort and mortally wounded, of which Wound he died in a few Minutes, and immediately thereupon a number of Guns, between thirty and forty, were discharged at some of the Deponent's Assistants, who, to the Number of about twenty, were scattered about near the Fort, all unarmed, and most of them, at the very Time, talking peaceably to the People in the Fort, by which Time three of them, to wit: George Dull, Thomas Jennings, and John Murphy, were wounded; that they continued firing from the Fort all that day at every Person that appeared within reach of their Guns, and in the Evening the said Stewart, with about forty of his Party, secretly abandoned the Fort and withdrew into the Woods, leaving in the Fort twelve Men who refused to go with them, and who surrendered themselves to the Deponent.

"PETER KACHLEIN.

"Sworn before me, this 31st of January, 1771.

"WILL. ALLEN, Chief Justice."

The Board taking the several Matters contained in the above Depositions, &c^a^ into their serious Consideration, advised the Governor to represent them in a Message to the Assembly, and recommend it to them to co-oparate with him in bringing Lazarus Stewart and the other Offenders, his Accomplices, to Justice. A Draft of a Message was accordingly prepared at the Board, and being approved, was ordered to be fairly transcribed and carried by the Secretary to the Assembly, as soon as they should meet the beginning of next Week, together with the several Depositions and other Papers to which it refers.

The said Message follows in these Words, vizt:

"Gentlemen:

"I think it proper to inform you that, with the Concurrence of the late House of Assembly, I issued in the Month of October last, a Proclamation, offering a Reward of fifty Pounds to any Person who should apprehend Lazarus Stewart of Lancaster County, for certain Crimes with which he stood charged, and deliver him up to Justice; and that he was taken upon that Proclamation, and delivered into the Custody of the Sheriff of York County, from whom he made his escape.

"I have enquired into the Conduct of the Sheriff on that Occasion, and though it does not appear to me that he was in any way consenting or Privy to the Escape, the Conduct of those to whom he entrusted the Care of the Prisoner on their way to Philadelphia, (while he himself retired to rest, being much indisposed), is not altogether free from Suspicion. The Secretary will lay before you a Letter I received from Mr. Samuel Johnston, to which, and the Information of the York Members, I refer you for a more particular Account of this Affair.

"I am also to acquaint you that the same Lazarus Stewart, far from being awed by the Proceedings of Government against him, has since his Escape put himself at the Head of a Number of People of his Neighbourhood, of the same lawless Disposition with himself, and with an armed Force, has taken Possession of the Lands at Wyoming, turning off from thence the People in Possession, and treating them in the most inhuman and barbarous Manner. Complaint being made, (supported by Affidavit), to one of the Supreme Judges of this Violent proceeding, he issued his Warrant, directed to all Sheriffs and Officers of Justice to apprehend the said Stewart and some of his Accomplices, and the Sheriff of Northampton, in obedience thereto, and in Consequence of a Writ which issued out of the Court of Quarter Sessions of that County for taking the said Stewart and many others, to answer an Indictment there found and depending against them for a former Riot, raised the Posse, and going to Wyoming, where the said Stewart and many others had shut themselves up in a Fort, he took the legal and proper steps to execute the King's Writ and Warrant. But the said Stewart and his Associates, setting themselves above all Law, refused him Admittance, stood on their Defence with Arms in their Hands, threatened to put to Death the Sheriff and his Party, and in the End, in cool Blood, and in the most treacherous Manner, murthered Nathan Ogden, one of the Posse, who came to the Fort to parley with them in a friendly Way at their own Request, and wounded several others. And on the same day, in the Dusk of the Evening, the said Stewart and his Company made their Escape from the Fort. The several Depositions and Papers which prove the above stated Facts, I have ordered the Secretary to lay before you.

"The Necessity of pursuing these daring offenders, as well as the dangerous Tendency of such licentious and violent Proceedings, are my Inducements to recommend these Matters in the warmest manner to your Consideration, in order that you may co-operate with me in such measures as may not only bring the Criminals to Speedy Justice, but also put a Stop to that ungovernable spirit which is too prevalent in many parts of our back Settlements, and which loudly call for Laws more severe than those already in being.

"JOHN PENN.

"February 4th, 1771."

At a Council held at Philadelphia, on Saturday the 9th of February, 1771.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

Benjamin Chew, James Tilghman, } Esquires.

The Governor laid before the Board a Message he received yesterday from the Assembly, which was read, and follows in these Words, Viz^t.

"May it Please your Honour:

"Having considered your Message of Tuesday last, with the Papers therein referred to, we are extremely concerned to hear that so heinous and dangerous an offender as Lazarus Stewart, has found means to elude the Execution of Justice for his former Crimes, and thereby has procured an Opportunity of adding to his Guilt by committing the late horrid Murder at Wyoming; and we hope your Honour will order the strictest enquiry to be made into the Conduct of those who had the Custody of the Prisoner.

"This recent Instance recalls to our Memory so many of the same kind in our back Counties, where Miscreants who have at once stained themselves with Sins of the deepest Dye, and have offered the highest Insults to Administration, have escaped with Impunity, that we fear, unless some more successful Method of securing Criminals can be devised, to deserve signal Punishment, and to escape it, in some parts of this Province, will become equally common.

"The outrages arising from the Confederacy of so many desperate Ruffians, who have at length perpetrated "in a most treacherous Manner," and with an audacious contempt of Government, the Murder of a Person acting in obedience to the Laws, too plainly evince the dangerous Tendency of such licentious Proceedings, and the Necessity of pursuing these daring offenders.

"We therefore request the Governor to issue a Proclamation, offering a Reward of three hundred Pounds to any Person or Persons who shall apprehend the said Lazarus Stewart, and safely deliver him to the Sheriff of the City and County of Philadelphia, in the Gaol of the said County; and a Reward of Fifty Pounds for apprehending and delivering to the said Sheriff in the same Place, each of these, his Accomplices, James Stewart, William Stewart, John Simpson, William Speedy, William Young, John McDaniel (alias Donnel), and Richard Cook.

"So desirous are we of giving all the Aid in our Power for punishing such atrocious Violators of divine and human Laws, vindicating the Honor of this Province, and securing the Public Tranquility, that we shall immediataly proceed to those further Measures we

judge to be most effectual for 'putting a stop to that ungovernable Spirit which is too prevalent in many Parts of our back Settlements.'

"Signed by Order of the House.

"JOSEPH GALLOWAY, *Speaker*

"February 8th, 1771."

The Secretary having prepared a Proclamation by the Governor's Directions, offering a Reward of three hundred Pounds for apprehending and securing Lazarus Stewart, and a Reward of fifty Pounds each for seven of his accomplices in the late outrages and Murder perpetrated at Wyoming, the same was laid before Board, and after a few Alterations were made thereto, was approved and ordered to be published in the several News Papers, and three hundred Copies of it printed and dispersed through the Province. The Proclamation was immediately issued, and follows in these Words, Viz^{t}:

"*By the Honourable JOHN PENN, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of New-Castle, Kent, and Sussex, on Delaware.*

"A PROCLAMATION.

"WHEREAS, it appears by the Depositions and Examinations, that a certain *Lazarus Stewart* (who was some Time since apprehended for a Capital Crime with which he stood charged, and afterwards made his Escape), being joined by a Number of other lawless People from Hanover, in Lancaster County, and other Places, armed with Guns and Clubs, proceeded in an hostile Manner to Wyoming, where a Number of Families were seated by Authority of this Government, and on the eighteenth day of December last, in open defiance of Law, they violently broke open the Doors of their Houses in the Night Time, and beat and abused them in the most inhuman and cruel Manner, turning all the Men, Women and Children out of Doors, and then took Possession themselves of the Houses, where they afterwards remained.

"*And Whereas*, it further appears from the aforesaid Depositions, that the Sheriff of Northampton having raised the Posse of the County, proceeded, on the eighteenth of January last, to Wyoming, in order to execute the King's Writ and Warrant against the said Stewart and some of his Associates, who had there shut themselves up in a Fort; and that on the Monday following, the said Lazarus Stewart and his Party, bidding defiance to all lawful Authority, and setting themselves in opposition to the Sheriff in the Execution of his Duty, refused him Admittance into the said Fort to serve the said Process on divers Persons therein named, who were then within the said Fort, and threatened to put him and his People to Death; and in the end, the said Stewart most wickedly and treacherously, without any Provocation, murdered Nathan Ogden, one of

the Sheriff's Posse, who had come to the Fort at the said Stewart's Request, to parly with him in a friendly way, and at the same Time the rest of the said Stewart's Associates, by his Orders, fired upon others of the Sheriff's Posse, who were unarmed, and wounded three of them; that they continued firing the remainder of the Day, at every Person that appeared within reach of their Guns, and in the Evening, abandoning the Fort, fled to the Woods and made their Escape.

"*And Whereas*, public Justice, and the Peace and Tranquility of His Majesty's liege Subjects, require that the Perpetrators and Abettors of such atrocious Crimes should be apprehended and brought to condign and exemplary Punishment;

"*I have*, therefore, thought fit, with the advice of the Council, to issue this my Proclamation, hereby strictly charging and commanding all Judges, Justices, Sheriffs, Constables, and all other His Majesty's liege Subjects within this Government, to make diligent search and enquiry after the said Lazarus Stewart and his principal Accomplices, Viz^{t}: James Stewart, William Stewart, John Simpson, William Speedy, John McDaniel (alias Donnel), William Young, and Richard Cook, as well as all others of his Accomplices, and to use all lawful Means for apprehending, securing, and bringing them to Justice; And, as an Encouragement, I do hereby promise and engage, that the Public Reward of *three hundred Pounds* shall be paid to any Person or Persons who shall apprehend the said Lazarus Stewart, and safely deliver him to the Sheriff of the City and County of Philadelphia, in the Gaol of the said County; and also a Reward of *fifty Pounds* for apprehending and delivering to the said Sheriff in the same Place, each of his said principal Accomplices, James Stewart, William Stewart, John Simpson, William Speedy, William Young, John McDaniel (alias Donnel), and Richard Cook.

"*Given* under my Hand and the Great Seal of the said Province, at Philadelphia, the ninth day of February, in the eleventh Year of His Majesty's Reign, and in the Year of our Lord one thousand seven hundred and seventy-one.

"JOHN PENN.

"By His Honour's Command.

"JOSEPH SHIPPEN, Junior, Secretary.

"GOD SAVE THE KING."

Two Members of Assembly presented to the Governor for his Concurrence a Bill entituled "An Act for preventing Tumults and Riotous Assemblies, and for the more Speedy and effectual punishing the Rioters," which was taken into immediate Consideration, and being approved, was returned to the Assembly by the Secretary, with a Verbal Message to the House "that the Governor gave his Assent to it, and would be at the Council Chamber in a quarter of an Hour, in order to enact the same into a Law."

At Noon the Governor being in the Council Chamber, sent a Message to the Assembly by the Secretary, to acquaint them that

he required their Attendance there, that he might pass the Bill to which he had given his Assent; The whole House attended accordingly, and the Speaker presented the Riot Bill, which the Governor enacted into a Law, and signed a warrant for affixing the Great Seal thereto, which was immediately done, and the Law deposited in the Rolls Office.

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Friday the 15th of February, 1771.

The Governor having this Morning received a verbal Message from the Assembly, by two Members, desiring he would be pleased to communicate to them any Answer he may have received from General Gage respecting the Matters which, in their Remonstrance of September last, they requested the Governor would represent to him, directed the Secretary to lay before the Assembly for their Perusal General Gage's Letter of the 23d of October last, which follows in these words, Viz^{t}:

"New York, 23d of October, 1770.

"Sir:

"I have received your Letters of the 16th and 18th Instant, with a Number of Depositions and a Remonstrance to you from the House of Assembly of Pennsylvania, relative to Demands for the payment of Carriages employed by Lieutenant Colonel Wilkins, on his March to Fort Pitt in 1768, with part of His Majesty's Royal Regiment of Ireland.

The Papers you have transmitted shall be laid before the proper Officers for Examination; with as little Delay as possible, and I will do all that depends on me to redress the Grievances complained of.

"I have the Honor to be, with great Regard, Sir,

"Your most Obedient, humble Servant,

"THOMAS GAGE.

"To the Honorable Lieutenant Governor PENN."

At a Council held at Philadelphia, on Saturday the 16th of February, 1771.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}.

Benjamin Chew, James Tilghman, } Esquires.
Lynford Lardner,

The Governor laid before the Board for their Consideration several Bills which the House of Assembly presented to his Honor for his Concurrence, entituled as follow, Viz^{t}:

"An Act declaring the River Susquehanna, and other Streams therein mentioned, Public Highways, for improving the Navigation in the said River and Streams, and preserving the Fish in the same."

"An Act declaring the Rivers Delaware and Lehigh, and parts of Neshaming Creek, as far up as Barnsley's Ford, and of the stream called the Lechawaxin, as far up as the Falls thereof, common Highways, and for improving the Navigation in the said Rivers."

"An Act for vacating a part of a Road in the Township of Passyunk, and for confirming a new Road laid out and made instead thereof."

"An Act for appointing Commissioners for opening and maintaining parts of two Roads therein mentioned.

"An Act for regulating the Fishery in the Rivers Codorus and Connewago, in York County."

"An Act for the relief of the Poor."

"An Act for appointing Regulators in the Southern Parts of the Northern Liberties of the City of Philadelphia, and for other purposes therein mentioned."

"An Act for erecting a Part of the County of Cumberland into a separate County."

"An Act for the better securing and punishing certain Offenders therein mentioned," and

"An Act for building a Bridge over Skippack Creek, in the County of Philadelphia."

The said Bills were in part read and considered and referred to further consideration.

At a Council held at Philadelphia on Monday the 18th of February, 1772.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c[a].

William Logan, James Tilghman, } Esquires.
Benjamin Chew, Andrew Allen, }

The Consideration of the three following Bills was resumed, viz[t].

"An Act for appointing Commissioners for opening and maintaining parts of two Roads therein mentioned."

"An Act for erecting a part of the County of Cumberland into a Separate County," and

"An Act for building a Bridge over Skippack Creek, in the County of Philadelphia."

Which Bills being read and considered, were Ordered to be returned to the Assembly, with a few small Amendments made to the

two first mentioned, and a verbal Message by the Secretary, that the Governor gave his Assent to the latter.

The other seven Bills before the Governor were referred to further Consideration.

At a Council held at Philadelphia, on Tuesday 19th of February, 1771.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

William Logan, James Tilghman, } Esquires.
Benjamin Chew, Andrew Allen. }

The following Bills were again laid before the Board for their Consideration, Viz^t:

"An Act for vacating a Part of a Road in the Township of Passyunk, and for confirming a new Road laid out and made instead thereof."

"An Act for the better securing and punishing certain Offenders therein mentioned."

"An Act for the appointing Regulators in the Southern Parts of the Northern Liberties of the City of Philadelphia, and for other Purposes therein mentioned."

"An Act for regulating the Fishery in the Rivers Codorus and Conewago, in York County."

The said Bills after due Consideration, were agreed to, and the Secretary was ordered to return the same to the Assembly with the Governor's Assent.

Then were read the two following Bills, viz^t: "An Act declaring the River Susquehanna, and other streams therein mentioned, public Highways, &c^a."

"An Act declaring the Rivers Delaware and Lehigh, and Parts of Neshaming Creek, &c^a and of the Stream called the Lechawaxin, &c^a common Highways" &c^a; and after some Consideration of them, the Board advised the Governor to send a Verbal Message to the Assembly respecting them, by the Secretary, in the following Words, Viz^t:

"Sir:

"The Governor requests that the House will inform him whether they are possessed of any Plans or Draughts of the Rivers Delaware, Lehigh, Susquehanna and Juniata, and of the Streams Conestogoe, Bald Eagle, Machanoy, Penn's Creek, Swatara, Connedoguinet and Kiskemanetas, which by the Bills now under his Consideration, are proposed to be kept open for Navigation, and particularly, whether these streams have been explored, and that if they have any such Draughts, the House will lay them before him."

"February 19th, 1771."

The Bill for the relief of the Poor was then read and in Part considered, and referred by the Board for a further Consideration at their next Meeting.

At a Council held at Philadelphia, on Wednesday 20th of February, 1771.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

William Logan,	James Tilghman,	} Esquires.
Richard Peters,	Andrew Allen,	
Benjamin Chew,	Edward Shippen Junior,	

The Governor having received by two Members of the Assembly a verbal Message in Answer to his Message of yesterday, his Honor laid the same before the Board, which follows in these Words, Viz^t.:

A Verbal Message to the Governor from the Assembly.

The House inform his Honor, that they are possessed of no Plans or Draughts of the several Rivers and Streams mentioned in his verbal Message of this Day, except an accurate one of part of the River Delaware, which they lay before him agreeable to his request, and those contained in the several Maps of this Province, and that further the House know not whether those Rivers and streams have been particularly explored, having proceeded in the framing of the Bills referred to by His Honor on the Information of their Members.

The Board then resumed the Consideration of the Poor Bill, and after some Time spent in deliberating about the Amendments proper to be made to it, the further Consideration of it was deferred 'till to-morrow Morning.

At a Council held at Philadelphia, on Thursday the 21st February, 1771.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

Benjamin Chew,	Andrew Allen,	} Esquires.
James Tilghman,	Edward Shippen, Junior,	

The consideration of the Poor Bill was resumed, and the following Amendments being made to it, the Secretary was ordered to return the Bill to the Assembly with the same, Viz^t:

Amendment 1st. Page 5, Line 1. After the Word [County] add [and the Mayor and Recorder].

2. Page 6, Line 4. Before the Word [Aldermen] insert the Words [Mayor or Recorder, and].

3. Same Page, Line 7. After the Word [Justices] insert Words [Mayor or Recorder].

4. Page 10, Line 3. Instead of [Occassion] say [Occasion].

5. Page 11, Line 6. After the Word [assessed] add the Words [in the said City or District, or any Borough or Township].

6. Same Page, Line 9. After the Word [any] insert the Words [Magistrate of the said City or any].

7. Page 12, Line 9. Dele the Words [Justices] and insert the Words [Magistrate or Justice, respectively].

8. Page 15, Line 1. After the Word [Tenant] insert the following Clause: [Provided also, that the Estates of the Honorable the Proprietaries of this Province, shall not be liable to be rated or Assessed by Virtue of this Act].

9. Page 16, Line 1. After the Word [further] insert the Word [enacted].

10. Page 28, Line 10. After the Word [Be] insert the Word [it].

11. Same Page, last Line. After the Word [exceeding] add the Words [in the whole, including all Gifts, Grants, Devises, and Bequests heretofore made].

12. Page 30, Line 4. Dele the Word [District] in the Place where interlined, and insert the same Word before the Word [and].

13. Same Page, Lines 8 & 9. After the Word [exceeding] insert the Words [in the whole, including all Gifts, grants, and Devises and Bequests heretofore made].

14. Same Page, Line 9. After the Word [the] insert the Word [aforesaid].

15. Page 34, Line 11. Dele the Word [six] and insert the Word [twelve].

16. Page 42, Line 5. After the Word [same] insert the Words [Provided always, that none of the Justices or Magistrates who signed the said Order of Removal, shall sit in Court or give his Judgment in hearing and determining an Appeal from the same Order].

17. Page 56, Line 11. Dele the first Word [Persons] and instead thereof insert the Word [Person].

18. Page 57, Line 4. Instead of the first Word [overseers] say [Overseer].

19. Page 62, Line 8. Instead of [Complant] say [Complaint].

20. Page 68, last Line. After the Word [Void] add the following Clause: [And be it further enacted by the Authority aforesaid, that this Act shall continue in force for the space of five Years, and from thence to the End of the next sitting of Assembly, and no longer].

The Governor then laid before the Board a Bill he had received from the Assembly, entituled "An Act for regulating and continuing the Nightly Watch, and enlightening the Streets, Lanes, and Alleys of the City of Philadelphia, and for raising of Money on the Inhabitants and Estates of the said City, for defraying the Expence thereof," which was read and considered, and the Board making no Objection thereto, it was ordered to be returned to the Assembly with the Governor's Assent.

At a Council held at Philadelphia, on Thursday 28th February, 1771.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c[a].

James Tilghman,
Edward Shippen, Junior, } Esquires.

The Board resumed the Consideration of the Bill for declaring the Rivers Delaware and Lehigh, &c[a], common Highways, &c[a], and the following Amendments being made to it, The Secretary was ordered to carry the same to the Assembly with the Bill.

Page 3, Line 11. After the Word [Highways] insert the Words [for the Purposes of Navigation up and down the same].

Same Page, Last Line. After the Name [Kechlene] insert the Name [Henry Kooken].

Page 4, Line 2. Dele the Name [Adam Yoke].

Same Page and Line. Dele the Word [and] and insert the same Word before the Name [John Arbo].

Same Page, Line 5. Instead of the Word [River] say [Rivers].

The Governor laid before the Board for their Consideration a Bill sent up by the Assembly for his Concurrence, entituled "An Act appointing Wardens for the Port of Philadelphia, and for the better regulating Pilots plying in the River and Bay of Delaware, and the price of pilotage to and from the said Port," Which being read and considered, was Ordered to be returned to the Assembly with the following Amendments:

Page 2, last Line. Instead of the Name [James Wharton] insert the Name [Samuel Mifflin].

Page 30, Line 10. After the Word [Beacons] insert the Words [have been and].

Page 34, Lines 11 and 12. Dele the Words [per Ton].

The Governor then laid before the Board a Bill sent up by the Assembly, entituled "An Act for the immediate raising of Money heretofore granted for the Defence of the City of Philadelphia," which was also read, and the Secretary directed to return it to the Assembly with two small Amendments.

Two Members of Assembly having again brought up the Bill for the Relief of the Poor, with the following Answer to the Governor's Amendments, the same was laid before the Board and referred to the Consideration of the Council at their next Meeting:

The Assembly's Answer to the Governor's Amendments to the Bill entituled "An Act for the Relief of the Poor."

Amendments 1st, 2d, 3d, 4th, 5th, 6th, & 7th. Agreed to by the House.

Amendment 8. The House dissent to this Amendment, and propose to his Honour's Consideration to expunge the Words [the clear yearly value] in Page 7, Lines 10 and 11, and to insert instead thereof the Words [upon every Inhabitant and Occupier], which, if not rejected by the Governor, The House agree to withdraw the Clause beginning at the Word [And] inclusive, in Page 13, Line 7, and ending with the Word [Tenant], in Page 15, Line 1.

Amendments 9th, 10th, 11th, 12th, 13th, 14th, & 15th, Agreed to by the House.

Amendment 16th. The House dissent to the Amendment, and propose to the Governor's Consideration, instead thereof, the following Clause: [Provided always, that none of the Justices or Magistrates who signed the said Order of Removal, or who shall or may be rated and assessed by Virtue of this Act towards the Support of the Poor of any City, Borough, Township, or Place, between which any dispute shall arise or happen on such Removal, shall sit in Court, or give his Judgment on hearing and determining an Appeal from the same Order].

Amendments 17th, 18th, & 19th. Agreed to by the House.

Amendment 20th. The House adhere to the Bill.

At a Council held at Philadelphia, on Saturday the 2d of March, 1771.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^a.

Benjamin Chew, Andrew Allen, James Tilghman, Edward Shippen, Junior, } Esquires.

The Board taking into Consideration the Assembly's answer to the Governor's Amendments to the Bill for the Relief of the Poor, the following Reply thereto was drawn up and agreed to, and the Sectary was directed to carry the same to the House with the Bill, Viz^t:

Amendment 8th. The Governor cannot accede to the Alterations proposed to be made to the Bill in their Answer to this Amend-

ment, by expunging the Words [clear yearly Value], and inserting the Words [upon every Inhabitant and Occupier], but will recede from this Amendment, provided the House withdraw the Clause referred to in the latter Part of their Answer thereto.

Amendment 16. The Governor dissents to the new Clause proposed to be added to the Bill, but agrees to wave this Amendment.

Amendment 20. The Governor adheres to this Amendment. The Governor, on a review of the Bill, recommends it to the Consideration of the House, whether the following alteration would not be of public Use, Viz^{t}:

Page 41, line 6th. After the word [the], add the Words [City, Borough, Township, Province, or].

The Board resumed the Consideration of the Bill declaring the River Susquehanna, and other Streams therein mentioned, Public Highways, &c^{a}, and having made the following Amendments thereto, the Secretary was ordered to carry the same to the Assembly with the Bill, Viz^{t}:

Amendments to the Title of the Bill entituled "An Act declaring the River Susquehanna, and other Steams therein mentioned, Public Highways, &c^{a}"

Line 1. Instead of [River], say [Rivers].

Line 2. Dele the Words [other Streams], and insert the word [Juniata].

Line 5. Instead of [River], say [Rivers].

Same Line. Dele the Words [and Streams].

Amendments to the Bill:

Page 1, Line 9. Dele the Words [such Rivers and other Streams as are or may], and insert the Words [the Rivers Susquehanna and Juniata].

Same Page, Line 10. After the Word [Navigable], insert the Word [and].

Same Page, last Line. After the Word [the], add the Word [said].

Page 2. Dele from the Word [and], inclusive, in the first Line, to the Word [Kiskemanetas], inclusive, in the third Line.

Same Page, Line 9. Dele the Words [and Streams].

Page 4. Dele from the Word [and], inclusive, in the first Line, to the Word [Kiskemanetas], inclusive, in the seventh Line.

Same Page, Line 9. After the Word [Highways], insert the words [for the purposes of Navigation up and down the same].

Page 5, Line 2. After the word [Susquehanna], insert the word [and].

Same Page, Lines 384. Dele the whole of the third and fourth Lines from [Bald Eagle] to the word [Swatara] inclusive.

Same Page, Line 10. Instead of the word [any] insert the word [either].

Same Page & Line. Dele the word [respective].
Same Page, Line 11. Dele the words [and streams].
Same Page, last Line. Dele the interlined words [and Streams].
Page 6, Line 11. Dele the word [respective] and the words [and Streams.]
Page 7, last Line. Dele the words [and Streams].
Page 8, Lines 4 & 5. Dele the words [and Streams].
Page 9, Line 1. Dele the words [or Streams], and instead of the word [any] insert the word [either].
Same Page, Line 4. Dele the words [or streams].
Page 10, Lines 6 & 7. Dele the words [or Streams].
Same Page, Line 9. Dele the words [and Streams].
Same Page, last Line. Dele the words [and Streams].
Page 11, line 4. Dele the words [and Streams].
Page 13, Line 5. Dele the words [or Streams].
Same Page, line 8. Dele the words [and Streams].
Page 14, Line 3. Dele the word [respectively].
Same Page, Line 4. Dele the words [and Streams].
Page 15, Line 2. Dele the words [and Streams].
Same Page, Line 8. Dele the words [or Streams], and instead of the word [any] insert the word [either].
Same Page Line 11. Dele the word [respective].
Same Page, last Line. Dele the words [and Streams].
Page 16, Line 1. Instead of [assualted] say [assaulted].
Same Page, Line 10. Dele the words [and Streams].
Page 17, Lines 1 & 2. Dele the words [and Streams].
Page 18, Line 6. Dele the words [or Streams.]
Page 19, Line 1. Dele the words [or Streams].
Same page, last Line. Dele the words [the same].
Page 20, Line 10. Dele the words [or Streams], and instead of the word [any] insert the word [either].
Page 21, Line 7. Dele the words [and Streams].
Same Page, Line 11. Dele the words [and Streams].

March 2d, 1771.

The Governor then laid before the Board a Bill entituled "An Act to regulate the Assize of Bread, and for other Purposes therein mentioned," which was read and referred to further Consideration.

At a Council held at Philadelphia, on Monday the 4th of March, 1771.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c[a].

James Tilghman,
Andrew Allen,
Edward Shippen, Junior, } Esquires.

The Governor laid before the Board three Bills sent up by the Assembly for his Honour's Concurrence, entituled "An Act to repeal a part of the Act entituled An Act for the preservation of Fish in the Rivers Delaware and the Lehigh, commonly called the Western Branch of Delaware."

"An Act to enable Peter Mierkin, Sugar Refiner, to hold Lands, and to invest him with the priviledges of a natural born Subject of this Province."

"An Act for the Relief of George Hawkins, Conrad Kehmle, and Jonathan Hobby, languishing Prisoners in the Gaol of Philadelphia, with respect to the Imprisonment of their Persons," Which Bills were read and considered, and there appearing no Objection to them, they were ordered to be returned to the House with the Governor's Assent.

The Board then resumed the Consideration of the Bill for regulating the assize of Bread, &c[a], and there appearing some weighty objections to the Method proposed in the Bill of ascertaining the Price of Bread, by apportioning the Weight of the several kinds of Loaves to the price of Flour, and not according to the price of Wheat, which would be more just and reasonable; and as no Amendments could be made to the Bill without altering the whole Frame of it, the Board advised the Governor to refuse his Assent to it, and the Secretary was ordered to return it to the Assembly, with a Verbal Message that the Governor could not agree to pass it into a Law.

At a Council held at Philadelphia, on Thursday the 7th March, 1772.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c[a]

Lynford Lardner,
James Tilghman,
Andrew Allen,
Edward Shippen, Jun[r]. } Esquires.

The Assembly having again sent up the Bill declaring the River Susquehanna and other Streams, &c[a], public Highways, with an Answer to the Governor's Amendments, His Honor laid the same before the Board, and it follows in these Words, viz[t]:

"The House agree to the Amendment in Page 16, Line 1, and as to all the other Amendments, the House to the Bill and its Title."

Several Surveyors and other Persons who had explored the Creeks mentioned in the Bill, appeared at the Board by appointment, and having satisfied them that the said Creeks were large and capable of being made navigable for small Craft, the Council advised the Governor to recede from his Amendments respecting those Creeks, and to return the Bill to the Assembly, with the following reply to their Answer, viz:

The Governor agrees to wave all his Amendments except that in Page 4, line 9, provided the House will agree to make a small alteration with respect to Conedaguinet Creek, viz: to expunge the words [William Thompson's Mill] in Page 4, lines 6 & 7, and instead thereof to insert the words [the Cove Fording, which leads to the Forty shilling Gap].

March 7th, 1771.

—

Friday, the 8th of March.

The Governor having received a verbal Message from the Assembly, by two Members, signifying their Intention to adjourn, and requesting him to appoint some Members of Council to compare the several Bills which had been agreed to, with their engrossed Copies, The Governor replied that he should appoint a Member of Council and the Secretary to join two Members of the House to collate the Bills immediately.

—

Saturday, the 9th of March.

Two Members of Assembly waited on the Governor, and acquainted him that the House proposed to adjourn to the 16th of September next, if he had no Objection thereto, and also requested the Governor would be pleased to appoint a Time for passing the Bills to which he had given his Assent. The Governor answered that he had no objection to their proposed adjournment, and that he should be in the Council Chamber about one O'Clock to-day, in order to pass the Bills.

—

Council Chamber, 1 O'clock, P. M.

Mr. Tilghman and the Secretary having compared the several engrossed Bills with their Originals, and found them to agree, The

Governor sent a Message to the Assembly by the Secretary, requiring their Attendance, that he might enact into Laws the several Bills to which he had given his Assent; the House accordingly attended, and the Speaker presented to the Governor twenty Bills which his Honor enacted into Laws, and signed a Warrant for affixing the Great Seal thereto.

The Laws were afterwards deposited in the Rolls Office, and are entituled as follows, viz^{t} :

"An Act for preventing Tumults and riotous Assemblies, and for the more speedy and effectual punishing the Rioters."

"A Supplement to the Act entituled 'An Act for erecting Part of the Counties of Philadelphia, Chester, and Lancaster, into a separate County."

"An Act to prevent the Destruction of Rock Fish and Oysters."

"An Act to regulate the Fishery in the River Schuylkill."

"An Act for the immediate raising of Money heretofore granted for the Defence of the City of Philadelphia."

"An Act for regulating the Fishery in the Rivers Codorus and Connewaga, in York County."

"An Act for appointing Regulators in the Southern Parts of the Northern Liberties of the City of Philadelphia, and for other Purposes therein mentioned."

"A Supplement to the Act entituled 'An Act for the better Regulation of Servants in this Province and Territories.'"

"An Act declaring the Rivers Delaware and Lehigh, and part of Neshaming Creek, as far up as Barnsley's Ford, and of the Stream called the Lechawaxin, as far up as the Falls thereof, common Highways, and for improving the Navigation in the said Rivers."

"An Act declaring the River Susquehanna, and other Streams therein mentioned, public Highways, for improving the Navigation of the said River and Streams, and for other Purposes therein mentioned."

"An Act for vacating a part of a Road in the Township of Passyunk, and for confirming a new Road laid out and made instead thereof."

"An Act for erecting a part of the County of Cumberland into a Separate County."

"An Act for the better securing and punishing certain offenders therein mentioned."

"An Act appointing Wardens for the Port of Philadelphia, and for better regulating Pilots plying in the River and Bay of Delaware, and the Price of Pilotage to and from the said Port."

"An Act for the relief of George Hawkens, Conrad Kehmle, and Jonathan Hobby, languishing Prisoners in the Gaol of Philadelphia, with respect to the Imprisonment of their Persons."

"An Act for building a Bridge over Skippack Creek, in the County of Philadelphia."

"An Act for the relief of the Poor."

"An Act for regulating and continuing the Nightly Watch, enlightening the Streets, Lanes, and Alleys of the City of Philadelphia, and for other Purposes therein mentioned."

"An Act to enable Peter Mierken, Sugar Refiner, to hold Lands, and to invest him with the Priviledges of a natural born Subject of this Province."

"An Act to repeal a part of the Act entituled 'An Act for the preservation of Fish in the Rivers Delaware, Susquehanna, and the Lehigh, commonly called the Western Branch of Delaware."

Before the House withdrew, the Speaker presented to the Governor an Order on the Treasury for six hundred Pounds.

At a Council held at Philadelphia, on Monday the 11th of March, 1771.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &c^{a}

Richard Peters, James Tilghman, } Esquires.
Benjamin Chew, Edward Shippen, Junior, }

A law having passed on Saturday last, for erecting a part of the County of Cumberland into a Separate County, called *Bedford County*, The Governor acquainted the Board that he thought it necessary to issue a Commission without delay, appointing Justices of the Peace, &c^{a} in the different Parts of the new County, and laid before the Board a List of Persons residing therein, who had been recommended to him as the best qualified to execute the Duties of the Magistracy, and after due Consideration, the following Persons were agreed on to be Justices of the Court of General Quarter Sessions of the Peace and of the County Court of Common Pleas for the said County of Bedford, and a Commission ordered to be made out accordingly, Viz^{t}:

John Frazer,
Bernard Dougherty,
Arthur St. Clair,
William Crawford,
James Milligan,
Thomas Gist,
Dorsey Pentecost,
Alexander McKee,
William Proctor, Jun^{r},
John Hanna,
William Lochry,
John Willson,
Robert Chiggage,
William McConnell,
George Woods,

Dedimus Potestatem, directed to { John Frazer, Bernard Dougherty, Arthur St. Clair,

It having been represented to the Governor that several more Magistrates were wanted in the County of York, it was thought advisable that a new General Commission of the Peace should be is-

sued for that County, and the Governor laid before the Board a List of the Justices in the present Commission, as well as the Names of others who had been recommended to him for Magistrates. The Board taking the same into Consideration, the following Persons were agreed on, and a Commission was ordered to be issued, appointing them Justices of the Peace and of the County Court of Common Pleas for the said County of York, Viz^{t}:

Robert McPherson,
David Jameson,
Martin Eickelberger,
Archibald McGrew,
John Adlum,
John Pope,
Michael Swoope,
Samuel Johnston,
Samuel Edie,
William Delap,
Thomas Minshall,
Matthew Dill,
Henry Slegle,
William Smith,
John Smith,
Cunningham Sample,
Richard McCallister,
David McConnaughy,
William Penrose,
William Rankin,
Joseph Updegraff.

Tuesday the 12th of March.

The Governor was pleased this day to appoint Arthur St. Clair, Esquire, to the several Offices following, in the County of Bedford, by three separate Commissions under the Great Seal of the Province, Viz^{t}: Prothonotary, or Principal Clerk of the County Court of Common Pleas, Clerk or Register of the Orphans' Court, and Recorder of Deeds.

At a Council held at Philadelphia on Saturday the 6th of April, 1771.

PRESENT:

The Honourable JOHN PENN, Esquire, Lieutenant Governor, &ca.

Benjamin Chew,
Lynford Lardner,
Edward Shippen, Junior,
James Tilghman,
Andrew Allen,
} Esquires.

The Governor laid before the Board *a Petition* from sundry Freeholders, and other Inhabitants of the County of Northampton, *Setting forth* that the Prosperity of the Settlement at Wyoming, and elsewhere, on the North-East Branch of the River Susquehanna, in the County aforesaid, greatly depends on making a Road from the *Old* frontier Improvements to Susquehanna aforesaid, as the difficulty of travelling on Horseback from either of the above Places to

the other, by way of the present Path, is sensibly felt by all who attempt it, and must be attended with a great Expence before it can be made passable for Carriages, without which the removeing Families and Husbandry cannot be well effected, *And* therefore, *Praying* the Governor and Council to issue an Order for Viewing and laying out a Road from the foot of the blue Mountain on the North Side thereof, to Wyoming aforesaid, as nearly on a direct Line as the Situation of the Lands will admit of.

The Board taking the said Petition into Consideration, and being of Opinion that such a Road will be of great Public Utility, It is ordered that Aaron Dupui, Garret Brodhead, Peter Kachlein, Daniel Shoemaker, John Vancampen, Beniah Monday, Philip Johnson, John Seeley, and Michael Roup, or any five of them, do view and lay out a Road from the North side of the blue Mountain to Wyoming, in the most convenient and direct Courses, and to make a Return of the Courses and Distances thereof, with a Draft of the said Road, into the Provincial Secretarie's Office, within six months from the Date hereof, in order to be confirmed by the Governor and Council as a Public Road or King's High-Way, if the same shall be approved.

The Governor acquainted the Board that, as several of the Persons named in the last Commission of the Peace for Cumberland County, now reside in the County of Bedford, and have been lately appointed Magistrates therein, he thought it would be proper to make an alteration in the Cumberland Commission, by leaving out their names, and to appoint in their Room some others who are now recommended to him for that Purpose by the Magistrates of the said County, a List of whose Names were laid before the Board and approved of, and a Commission was accordingly issued under the Great Seal of the Province, appointing the following Gentlemen Justiecs of the Court of General Quarter Sessions of the Peace and of the County Court of Common Pleas for the said County of Cumberland, Viz^{t} :

John Armstrong,
John Byers,
John Reynolds,
Jonathan Hoge,
Robert Miller,
William Lyon,
Turbutt Francis,
Henry Prather,
John Agnew,
William Thompson,
James Oliver,
Mathew Henderson.
Andrew Calhoon,
James Maxwell,
John Holmes,
John Allison,
George Robeson,
William Patterson,
John McClay, Junior,
William Elliott,
William Brown,
Samuel Lyon,
James Dunlap,

At a Council held in the Council Chamber at Philadelphia, on Monday the 6th day of May, 1771.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, President.

William Logan,	Thomas Cadwalader,	Esq^rs.
Richard Peters,	James Tilghman,	
Lynford Lardner,	Andrew Allen,	
Benjamin Chew,	Edward Shippen, Junior,	

The late melancholy Death of the Honorable Richard Penn, Esquire, late one of the Proprietaries of this Province, having occasioned the Honorable John Penn, Esquire, to embark for Great Britain on Saturday last, The Council in his absence met this day, and Mr. Hamilton, as eldest Counsellor, acquainted the Board that the exercise of the Powers of Government (Legislation excepted) by a Law of this Province, passed in the tenth year of Queen Ann, entituled "An Act for the further securing the Administration of Government," now devolves on this Board, which Law was read, and Mr. Hamilton proceeded to say that he was willing to discharge the office of President, and with the concurrence and assistance of the other Members, to execute the Powers of Government which were legally lodged in them.

It being required by the said Act of the tenth of Queen Ann, that the President or first named Member of Council that shall succeed at the time of the Death or absence of the Governor, shall give due Notice thereof by the first opportunity to one of the Secretaries of State of Great Britain, and Board of Trade and Plantations, and also to the Governor-in-Chief of this Province, it was recommended to the President to give the notices accordingly.

The Board agreed that Mr. Joseph Shippen, Junior, be continued Secretary and Clerk of the Council.

The President then proposed that a Proclamation notifying the absence of the Lieutenant Governor, and for continuing all Officers in their respective offices, should be issued, and the Secretary having already prepared one for that Purpose and produced it to the Board, the same was read, agreed to, and signed by the President, and a Warrant for affixing the Great Seal thereto was also signed by the President and the four Eldest Members present. It was then ordered that the Proclamation be published in the several News Papers, and a number of printed Copies of the same be dispatched to the Sheriffs of the different Counties, to be dispersed as usual. The Proclamation follows in these Words, Viz^t:

"*By the Honourable JAMES HAMILTON, Esquire, President, and the Council of the Province of Pennsylvania.*

"A PROCLAMATION.

WHEREAS, The Honourable John Penn, Esquire, Lieutenant Governor and Commander-in-Chief of this Province, hath embarked

for Great Britain, and by his absence the Exercise of the Powers of Government, by virtue of an Act of Assembly passed in the tenth Year of the Reign of the late Queen Ann, is devolved on and lodged in us. We have therefore, thought fit to publish and declare that all Persons whatsoever, who held and enjoyed any Office of Trust or Profit in this Government, by virtue of any Commission in force at the Time of the said Governor's departure, shall continue to hold and enjoy the same offices until they shall be determined by us, or some other sufficient Authority. And we do hereby command and require all Judges, Justices, and other Officers whatsoever, in whom any Public Trust is reposed in this Government, that they diligently proceed in the Performance and discharge of their respective Duties therein, for the safety, Peace, and well being of the same.

"*Given* in Council, under the Great Seal of the said Province, at Philadelphia, the sixth day of May, in the year of our Lord one thousand seven hundred and seventy-one, and in the eleventh year of the Reign of our Sovereign Lord George the third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the faith, and so forth.

"JAMES HAMILTON, *President.*

"By Order of the President and Council.

"JOSEPH SHIPPEN, J^r^, Secretary.

"GOD SAVE THE KING."

"The Board then took into Consideration the alterations necessary to be made in the several Forms of Marriage Licences, Public House Licences, Pedlars Licences, Let Passes, and others Papers of Course, and it was agreed that they be issued as the Acts of the President and Council in this Stile, viz^t^: "By the Honourable James Hamilton, Esquire, President, and the Council of the Province of Pennsylvania," and that the President sign all Licences, Let Passes, Registers, and such other Public Instruments and Papers as are to pass of Course.

The President proposed to the Consideration of the Board whether it would not be proper, before they should enter upon the Execution of the Powers of Government, for himself and the Members of Council to take and subscribe the usual oaths of Allegiance, &c^a^, and Declaration of Fidelity to His Majesty, which proposal being approved of by the Board, the said Qualifications were accordingly taken and subscribed by the President and Members present.

The President laid before the Board the Transcripts of two Records of Conviction, which being read, it appears by one of the said Records, that at a Court of Oyer and Terminer and general Gaol delivery, held at Philadelphia, for the County of Philadelphia, on the eighth day of April last, before John Lawrence and

Thomas Willing, Esquires, two of the Justices of the Supream Court and of the said Court of Oyer and Terminer, John Thompson, of the County of Philadelphia, Labourer, was tried for and convicted of Felony and Burglary, committed in the dwelling House of Ludwig Kuyn, in the Township of the Northern Liberties, in Philadelphia County aforesaid, on the twelfth day of January last, and hath received Sentence of Death for the same.

And by the other of the said Records, it appears that at the said Court of Oyer and Terminer and general Gaol Delivery, held on the said eighth day of April last, before the said Justices, Elizabeth Grant was tried and convicted of Felony and Burglary, committed in the dwelling House of John Plankinhorn, in the County of Philadelphia aforesaid, on the first day of March last, and hath received Sentence of Death for the same.

The said Records being taken into Consideration, and the said Justices having recommended the said Elizadeth Grant as an Object of Mercy, the President and Council were pleased to Order that a Pardon should be made out and delivered to the said Elizabeth Grant, under the Great Seal of the Province; and the Judges of the said Court having reported no favourable Circumstances in behalf of the above named John Thompson, the Board directed that a Warrant be issued for his Execution on Wednesday the twenty-second day of May Instant.

At a Council held at Philadelphia, in the Council Chamber, on Tuesday the 7th day of May, 1771.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, President.

William Logan,	Benjamin Chew,	Esquires.
Richard Peters,	Thomas Cadwalader,	
Lynford Lardner,	James Tilghman,	

The Secretary laid before the Board a Letter from Nettawatways, or New Comer, the Chief of the Delawares, on the Ohio, to Governor Penn, which was brought to Town several Days ago by Killbuck, a Delaware Captain, and two other Indians, but as Governor Penn's Engagements, in preparing for his Voyage to England, prevented his giving the necessary Attention to the Business they were sent on, he referred the Consideration of their Affairs to the President and Council. The said Letter was then read, and follows in these Words, Viz':

"Brother:

"I have sent Killbuck, Kellalamind, and Pindeskund, of my Nation, to speak to you; They will inform you of every Thing I have to say, and I request that you will listen to them, and think that

what they speak is what I think, as if I was personally present; I hope you will comply with our Request, and grant us all the Assistance you possibly can.

"Brother:

"You may be assured of the good Intentions of my Nation, that they are determined to keep fast hold of the chain of Friendship subsisting between them and their Brothers, the English. Our Uncles, the Six Nations, have passed by here to meet the Wyandots, Shawanese, and other Nations in Council at the Shawanse Towns; They have not as yet invited us to their Council, nor do we know the Cause of their Meeting; you may depend on it, in Case we hear any thing determined against our Brethren, the English, we shall acquaint you, and we request in Case you should know the Cause of their Meeting, you would inform us.

"I am your loving Brother,

"NETOTWAY'S, or

"KING NEW COMER.

Gave a String of White Wampum.

"At New Comer's Town, on Muskingam, the 1st of April, 1771.

"To JOHN PENN, Esquire, Governor and Commander-in-Chief of the Province of Pennsylvania, &c^a, Philadelphia."

The Secretary then, by directions of the Board, introduced Killbuck, Kellalamind, and two other Indians from the Susquehanna, Viz.: Bill Seth (Interpreter), and Nanticoke John.

The Indians having taken their Seats, the President made a Speech to them in the Words following, Viz^t:

"Brethren:

"I am very sorry that you have been detained so long in Town, without having had an Opportunity of acquainting us with the Business you came down upon, and I have desired your Attendance here that I may inform you of the reason of it.

"Just as you arrived here, our late Governor, John Penn, Esquire, who is Grandson to our first Proprietor, William Penn, received an Account from England of the Death of his Father, who was one of the Proprietaries of this Province. This News afflicted him with so much Grief that he could not do or think of any Business, and he was under the necessity of going to England without Delay, to condole with his Relations there, and look after the Affairs of this Province. You must not, therefore, think it hard that he did not take you by the Hand and bid you welcome, before his Departure. He desired me to express to you his great Concern on this Account, and to remember his good Wishes to you, and all his Indian Brethren, and to deliver you these Strouds, to join with us in condoling the Death of this, our Great Friend, and covering his Grave, and these Handkerchiefs to wipe away our Tears.

Strouds and Handkerchiefs.

"Brethren:

"Now that We have buried our Dear Brother, I must acquaint you, that in the Absence of Governor Penn, I am appointed, with my Council here, to transact the Business of this Government in his Stead, and we are now reddy to hear any Thing you may have to say to us."

To which Killbuck, addressing himself to the President, immediately replied as follows, Viz^{t}:

"Brother:

"It gives me pleasure that you have taken me by the Hand in the Name of the late Governor, and told me the reason of the Delay and of his sudden Departure. It is the Nature of Grief, that when Persons are under great Affliction and Trouble, they can do no Business.

"I am pleased with what you have said to me on this Occasion, and I would not have you uneasy, and think that I am tired or out of Patience with waiting so long in Town before you took me by the Hand. I shall be ready to speak to you to-morrow, and inform you of the Business I am come down about."

At a Council held in the Council Chamber at Philadelphia, on Wednesday the 8th day of May, 1771.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, President.

William Logan, Thomas Cadwalader, James Tilghman, } Esquires.
Lynford Lardner,

Indians:

Killbuck, a Delaware Chief, Nanticoke John,
Kellalamind, or John, Stephen Calvin, of New Jersey, Interpreter.

The Interpreter being ordered to let Killbuck know the Council were ready to hear him, he spoke as follows, Viz^{t}:

"Brothers:

"I am glad to see you in this place, where our fore Fathers used to hold their Treaties. I think the Almighty hath appointed this Day for us to converse together. I pray you will listen to our Brother, New Comer, who has sent me to speak to you.

"With this String of Wampum I wipe your Eyes, that you may see more clearly and perceive what I am going to say.

"Brothers:

"There have been many evil Reports spread abroad. I am now going to tell you the Truth.

A String.

"Brothers:

"I think the Council Fire which was first kindled between our fore Fathers, is almost gone out, and I am now going to collect the Brands Ends together, that the Fire may be re-kindled and burn bright and clear, that all our Friends may see we are consulting together for our common good.

"Brothers:

"It was antiently agreed between our Ancestors that no small Differences between our People and yours should break the Chain of Friendship. About two years ago a Quarrel happened between one of your young Men and one of my People, in which the White Man was killed. The Indian has lately been taken, and I have him now in Confinement, and will deliver him up whenever it shall be required. In confirmation of which, I give this Belt of Wampum.

A Belt of six Rows.

"Brothers:

"About four Years ago two Indians came down to Muskingham with Joe Peepy, whose Business was to persuade us Indians to worship the Great God in their way. This was very pleasing to me, and I have ever since kept it in my Heart. They informed me they had lately come from Beyond the Great Waters, where the Great King lives. Now, Brethren, I take this Opportunity of informing you that I design in about four Months to go with ten of my People to see the Great King; and I, by this Belt, desire you will make it known to him that we are coming to speak to him, and to bring him good News; but as you are best acquainted with the Seas, and know better than I do when it will be proper for us to go, I will be down here whenever you think it will be the best Time for me to set out.

"Brothers:

"About four Years ago an Indian, either Isaac Still or Joe Peepy, brought me four Silver Medals, with a Belt of Wampum, and a Message in writing from Philadelphia, advising us to avoid the Drinking of Rum, and to search amongst the Goods which should be brought to us for the Rum Keggs, and whenever we found any, to stave the Keggs and throw the Rum into the River.

"Brothers:

"I think this advice was good; this Rum makes us Quarrel with one another, and with our Brethren, and makes us commit Murders, and brings upon us all Manner of Mischief. I desire, therefore, you will do every Thing in your Power to prevent the bringing of Rum amongst us, otherwise it will in a short Time be the Ruin of us.

A String of five Rows.

"Brothers:

At the Treaty of Fort Stanwix, I applied to Sir William Johnson for a Pass to go from my own Country to the Province of New

Jersey, in order to bring with me such Indians of the Jerseys as should be willing to go with me and live with me in my Country. He accordingly gave me a Passport, and sent a Belt of Wampum to the Governor of Jersey, desiring him to give me Assistance in conveying away with me any Indians which might incline to go with me, and Governor Penn then promised me I should have free Liberty to pass through Pennsylvania for that Purpose. Now Brothers, I desire you will me your Assistance in this Matter. This, Brothers, is all I have to say at present.

At a Council held in the Council Chamber at Philadelphia, on Monday the 13th day of May, 1771.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, President.

William Logan, Thomas Cadwalader, Lynford Lardner, James Tilghman, Benjamin Chew, } Esquires.

Mr. Logan having, at the Request of the Board, prepared a Draft of an Answer to the speeches delivered by Killbuck in Council on the 8th Instant, the same was read, and a few Alterations being made to it, was approved, and odered to be fairly transcribed and delivered to the Indians in Council as soon as they shall return from the Jerseys. The said Answer follows in these Words, Viz^{t}:

"*The Answer of the President of the Council to Newcomer's Messaje.*

"Brother:

"I am glad of this opportunity of taking you by the Hand, and bid you Welcome to this City, where our fore-fathers used at the beginning to meet and confer together. Old and new Friends, when they have not seen each other for a long Time, are rejoiced to meet again. This I assure you is now my Case towards you.

"Brother:

"I was pleased with what you said to me the other day, here in Council. I now by this String wipe all the Dust from your Faces, and clear your Eyes that you may see, and desire you to attend to what I am going to say to you in Answer, and that you may understand me the better, I now open your Ears and cleanse your Throat and Stomack and clear a Passage to your Heart, and to remove all bad Reports and false Story's you may have heard, as I make no doubt there are many bad People in the Woods who carry you lies, on Purpose to make you believe we are not your friends. You may always depend on my speaking the truth, and that what I say comes from my Heart.

A String.

"Brother:

"I am very sensible our Council Fire has not for some time burnt so bright and clear as it did formerly. It has not been stirred up of late so well as it used to be, But I am glad to find the Fire is not out. It is very strong at the Bottom; It only wants the Ashes to be raked off. I therefore, now heartily join you in uncovering it and removing the Ashes, and add fresh Fuel that we may warm and comfort ourselves by it, and make the Flames rise so high that our Indian Brethren may see the Height, and know we are sitting and conferring together in that Love and Friendship our fore Fathers used to do. I assure you I have always kept fast hold of the Chain of Friendship, and now take both my Hands and rub off any Rust it may have contracted, and make it bright, and shall hold it as strong as ever. In assurance of which I give you this Belt.

A Belt.

"Brother:

"I now also join you in opening and clearing the Old Road between us, that our good old fore fathers laid out and cleared, and remove not only every Log and Tree that may have accidently fallen across it, but every Stump, or Stone, or Thorn, that can any way obstruct our Passage in passing and re-passing to and from each other, or hurt our feet in our way, that we may travel it safe and easy.

A String.

"Brother:

"I heard of the accident you mention, of one of your People killing one of ours, and am glad you acted so honest a Part as to secure the Indian that did the mischief, and that you are ready to deliver him up when called for by me. This step shews me you are desirous of strictly keeping up a Friendship, and preserving Peace between us, that no sudden quarrel or accident should break a Link in our Chain of Friendship; In this you say right. It often happens that by sudden accidents and Quarrels a Life is lost, and when this is proved on examination, and no premeditated ill-will or design was the cause of the Person's Death, we should join in burying the deceased decently, and in Peace, and forget it. How this Man's Case was I have not yet been informed Particularly from any of my People, but I will make a strict enquiry, and let you hear from me. I desire you, therefore, to keep the Indian safe in your Custody 'till I have an opportunity of examining into the affair.

"Brother:

"I am glad to hear your account of the two Ministers' religious visit to you. They shewed by this Conduct that they had your eternal good at Heart. It is a great Satisfaction to me that you tell me what they said to you reached your Hearts, and that you are inclined to have yourselves and your Children made acquainted with

the Christian Religion, and be enabled thereby to worship the Great God; You say that you incline, in about four Months, to go with ten of your People over the great Waters to see the Great King, and desire that I will make it known to him that you are coming, and that I would advise you when it will be a proper Time for you to set out; In answer to this, Brother, I must acquaint you that our great King has appointed Sir William Johnson his Superintendant of Indian Affairs, to hear all Matters that his Brethren, the Indians, may have to say to him, and to write to him about them.

"It will, therefore, be proper for you to apply to Sir William Johnson on this Head, who you know to be a Friend to all Indians, and will no doubt hearken to you, and give you good advice on the Occasion. I would chearfully comply with your Request if I could do it consistent with the Orders of the King, my Master; but as he has appointed Sir William to to write to him on all affairs the Indians have to communicate to him, I give you this Belt, and refer you to him on this Occasion, and shall write to him what you have said to me hereon.

A Belt.

"Brother:

"What you have told me of the great mischief arising from our Traders carrying Rum into the Indian Country, I know is too true, and I have always been sorry when I heard it. We have made Laws to prevent it, and have punished some severely who have carried it among You. It is very difficult to prevent bad men from carrying Rum to our Frontiers, or to find out those who do it; They always carry it privately, and by stealth, as they know if it should be discovered by any of the Officers of my Government, it would be all taken from them, and they be sent to Prison. Governor Penn has been so uneasy about this Matter that he has laid it before his Assembly, and the Governors of the other Colonies have done the same, and they are now endeavouring to take some further Measures to put a stop to it. I promise you I will do every Thing in my Power to prevent it; but unless you will also join your Hands to help me, and refuse to buy it when it comes among you, it will be no easy matter wholly to hinder it. Our Traders say that your People will not trade with them if they do not bring some Rum with their Goods, and such as are so honest as not to carry it, say they cannot sell their Goods, but must stand still and see the dishonest Trader buy all the Skins from the Indians with their Rum, and thereby cheating them of them, and every Thing else they have to part with. This, Brother, is a very heavy, great Work to effect, and you must join me to do every thing in your Power to put a stop to it fully; And by this Belt I desire you to be strong, help and assist me herein to prevent any further Mischief.

A Belt.

"Brother:

"I desire you in my Name, to thank New-Comer for the Intelligence he has sent me in his Letter. You know, Brother, it was agreed between us and our Indian Brethren, from the Beginning, that whenever either should hear of any Mischief or Evil intended towards the other, that we should inform each other of it immediately. You may depend that I shall faithfully observe this on my Part, and I fully depend on all my Brethren, the Indians, giving me the like Information if they should hear of any Indians intending to strike me, or do me any Mischief, that I may be on my Guard.

"Brother:

"I have now finished my Answer to Your Speeches delivered to us in Council last Week. I observed when you came to Town you were almost destitute of good Cloaths, that you had worn them out in coming through the Bushes on your Journey. I therefore desire you will accept of this small Present of Cloathing which I have provided for you, as a mark of my good Will and Affection for You; and I also desire you will take into your Charge and Care these other Goods, and deliver them to our good old Brother, New-Comer, as a Testimony of my particular Regard and Friendship for him.

"I now take my leave of you, as you desire to return home soon, and wish You a good Journey."

It appearing by an authentic Copy of the last Will and Testament of the Honorable Richard Penn, Esquire, deceased, late one of the Proprietaries of this Province, transmitted from England, and received here last Week, that his Son, The Honorable John Penn, Esquire, succeeds to the Proprietorship of one fourth Part of the Province, the Board were of Opinion that an Alteration ought to be made in the Great and Lesser Seals; It is therefore ordered that the Name [Richard] which is engraven round the Circumference of each Seal, be erazed, and the Name [John] engraven in its stead.

At a Council held at New-Castle, on Wednesday the 5th day of June, 1771, for the Government of the Counties of New Castle, Kent, and Sussex, on Delaware.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, President of the Council of Pennsylvania.

William Armstrong, Esquire, Speaker of the Assembly of the said Counties.

Evan Rice, Esquire, President of the Court of Quarter Sessions of the Peace, &ca., for the County of New Castle.

Charles Ridgeley, Esquire, President of the Court of Quarter Sessions of the Peace, &ca., for the County of Kent.

By the Departure of the Honourable John Penn, Esquire, (late Lieutenant Governor) to Great Britain, the Administration of the Government of the three lower Counties being, by an Act of Assembly passed in the 9th Year of the Reign of Geo. 2d, devolved on and lodged in the President of the Council of Pennsylvania, the Speaker of the House of Representatives of the said Counties, and the three Magistrates who preside, or are first nominated in the Commission of the Peace for the three Counties of New Castle, Kent, and Sussex. The Honourable James Hamilton, Esquire, President, arrived at this Place yesterday in order to confer with those Gentlemen respecting the Exercise of the Powers of Government, and the Assembly having met on the third Instant, pursuant to adjournment, did this day send a Message to the President by a Committee of three members, acquainting him that their Speaker, Mr. John Vining, being dead, they had proceeded to chuse another in his stead, and had elected Mr. William Armstrong to be their Speaker, and requested to know whether the President and the Gentlemen joined with him in the Administration, had any Business to recommend to their Consideration; to which the President replied that they had no Matter of a Public Nature to communicate to the House which required their attention at this time.

The President and his Council taking into Consideration the steps proper to be taken by them in the Administration, thought it necessary as the first Act of Government, to issue a Proclamation for the continuance of all officers in their respective offices, which the Secretary immediately prepared, and the same being approved, was signed by the President and the Council, and a Warrant for affixing the Great Seal thereto was issued by the President, under his Seal at Arms. The Proclamation follows in these Words, viz[t]:

"Counties on Delaware:

"*By the Honourable JAMES HAMILTON, Esquire, President of the Council of the Province of Pennsylvania, with the Advice and Consent of the Gentleman appointed by Act of Assembly for the Administration of the Government of the Counties of New Castle, Kent, and Sussex, on Delaware, pursuant to the Powers and Authority granted by the said Act.*

"A PROCLAMATION.

"WHEREAS, The Honourable John Penn, Esquire, Lieutenant Governor and Commander-in-Chief of the said Counties, hath embarked for Great Britain, and by his Absence the Exercise of the Powers of Government, by virtue of an Act of Assembly passed in the ninth Year of the Reign of His late Majesty George the second, is devolved on and lodged in the said President, the Speaker of the House of Representatives of the aforesaid Counties, and the three Magistrates who preside or are first nominated in the Commission

of the Peace for the said three Counties of New-Castle, Kent, and Sussex, (as by the said Act more fully appears). We have therefore thought fit to publish and declare, that all Persons whatsoever, who held or enjoyed any office of Trust or Profit in this Government by virtue of any Commissions in Force at the Time of the said Governor's Departure, and which Commissions have not since determined and expired, shall continue to hold and enjoy the same offices until they shall be determined by us, or some other sufficient Authority. And we do hereby command and require all Judges, Justices, and other officers whatsoever, in whom any Public Trust is reposed in this Government, that they diligently proceed in the Performance and Discharge of their respective Duties therein, for the Safety, Peace, and well being of the same.

"*Given* at New Castle, under the Great Seal of the Counties aforesaid, the fifth day of June, in the eleventh year of the Reign of our Sovereign Lord George the third, by the Grace of God of Great Britain and Ireland, King, Defender of the Faith, and so forth, and in the year of our Lord one thousand seven hundred and seventy one.

"JAMES HAMILTON,
"WILLIAM ARMSTRONG,
"EVAN RICE,
"CHARLES RIDGELEY.

"By Order of the President and Council.
"JOSEPH SHIPPEN, Junr, Secretary.

"GOD SAVE THE KING."

It was then agreed that, for the greater Convenience and dispatch of the Common Business of the Government, the President should sign all Licences, Let Passes, and Registers, and such other Public Instruments and Papers as are to pass of Course.

—

Eodem die, P. M.

The President and his Council being again met, a Committee of Assembly waited on them, to acquaint them that as no Acts of Legislation could be passed, the House inclined to adjourn to the last day of September next, if the Board had no objection thereto; to which the President replied, in behalf of the Board, that the Adjournment the House proposed to make was very agreeable to them.

At a Council held at Philadelphia, on Wednesday 19th June, 1771.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, President.

Joseph Turner,	James Tilghman,	Esquires.
William Logan,	Andrew Allen,	
Benjamin Chew,	Edward Shippen, Junior,	

The Secretary laid before the Board a Return and Draught of a Road laid out, Surveyed, and Returned into the Provincial Secretarie's Office, pursuant to an Order of Council of the 11th of December last, beginning in a Road leading from Wright's Town to Bibury, and to extend thence on a Line dividing the Counties of Philadelphia and Bucks, or as nearly so as may be, to the Macungy Road, and at the same Time, he acquainted the Board that Several Persons living on or near the said Line, having several Objections to the said Road, requested that the President and Council would give them an Opportunity of being heard before they should come to any Determination thereon; the Board, therefore, appointed Thursday the first day of August next, for the Consideration of this Matter, and directed the Secretary to give Notice thereof to some of the Petitioners for the Road, as well as to those who had requested an Opportunity of explaining their Objections to it.

At a Council held at Philadelphia, on Monday 1st July, 1772.

PRESENT:

The Honorable JAMES HAMILTON, Esquire, President.

Joseph Turner,	Thomas Cadwalader,	Esquires.
Richard Peters,	Andrew Allen,	
Benjamin Chew,	Edward Shippen, Junior,	

The President laid before the Board the Transcript of two Records of Conviction, which being read, it appears by one of the said Records, that at a Court of Oyer and Terminer and General Gaol Delivery, held at Lancaster, for the County of Lancaster, on the the 23d day of May last, before John Lawrence and Thomas Willing, Esquires, two of the Justices of the Supream. Court and of the said Court of Oyer and Terminer, William Dickson and Mary Dickson were tried and convicted of a Felony and Murder, committed on the Body of a certain Allan Regan, and have receeived Sentence of Death for the same.

And by the other of the said Records it appears that, at a Court of Oyer and Terminer and General Goal Delivery, held at Carlisle, for the County of Cumberland, on the fifth day of June last, before the said Justices, Edward O'Neal was tried and convicted of a Felony

and Murder, committed on the Body of a certain James Crowley, and hath received Sentence of Death for the same.

The said Records being taken into Consideration, and it appearing by the Report of the said Justices to be their Opinion, from the Evidence given on the Trial, that neither William Dickson nor his Wife, Mary Dickson, had any real Intention of committing the Murder of which they were convicted; It was, therefore, the unanimous opinion of the Board, that the Sentence of the Court awarded against the said William and Mary should be suspended until His Majesty's Gracious Pleasure be known; and they accordingly granted a Reprieve under the Great Seal, for the space of twelve Months. And the said Justices having reported no favourable Circumstances in behalf of the above named Edward O'Neal, but on the contrary, that it was fully proved on his Trial he had committed a Wilful and malicious Murder, The Board ordered a Warrant to be issued for his Execution on Wednesday the 24th of this Instant, July.

At a Council held at Philadelphia, on Tuesday the 9th of July, 1771.

PRESENT:

The Honorable JAMES HAMILTON, Esquire, President.

Joseph Turner,	James Tilghman,	} Esquires.
William Logan,	Andrew Allen,	
Thomas Cadwalader,	Edward Shippen, Junior,	

A Member of Council acquainted the Board that Daniel Brodhead, Esquire, one of the Justices of the Peace for the County of Northampton, has lately removed into Berks County, and recommending him as a Man of good understanding and Character, and who had faithfully discharged his Duty as a Magistrate, requested that he might be put into the Commission of the Peace for the County where now resides. The Board approving of the said Recommendation, Ordered that a Special Commission be made out, appointing the said Daniel Brodhead a Justice of the Court of General Quarter Sessions of the Peace and of the County Court of Common Pleas for the said County of Berks.

At a Council held at Philadelphia, on Wednesday the 10th of July, 1771.

PRESENT:

The Honorable JAMES HAMILTON, Esquire, President.

Joseph Turner,	James Tilghman,	} Esquires.
Benjamin Chew,	Andrew Allen,	

Mr. Tilghman laid before the Board several Letters which he had just received from Northampton County, informing him that a

considerable Party of Connecticut People, to the amount of 500 Men, under Arms, are proceeding on their way to Wyoming, with a Design to dispossess the People settled there under Contracts with the Proprietaries. The said Letters were read, and the Board taking into Consideration the Measures proper to be taken in order to prevent the Execution of that unlawful Enterprize, agreed, as the only Expedient at present in their Power, to issue a Proclamation forbidding all Persons whatsoever to settle on any Lands within this Province, without Permission from the Proprietaries, or authority from this Government, and requring the Magistrates, Sheriffs, and other Peace Officers, to enforce a strict Execution of the Riot Act passed the last Session of Assembly. The Proclamation was accordingly issued, and a number of Copies thereof ordered to be printed and sent to the Sheriffs of Northampton, Berks and Lancaster Counties, to be dispersed through those Counties.

The Proclamation follows in these Words, Viz^{t}:

"*By the Honorable JAMES HAMILTON, Esquire, President, and the Council of the Province of Pennsylvania.*

"A PROCLAMATION.

"Whereas, a Number of Persons, chiefly of the Colony of Connecticut, have lately, as well as at different Times heretofore, in a forcible manner, without any Licence or Grant from the Honorable the Proprietaries of this Province, or Authority from this Government, possessed themselves of and settled upon a large Tract of Land on the River Susquehanna, within the known Limits of this Province, from whence they have been removed by due Course of Law, and the said Lands are now in the peaceable Possession of a number of People, under Contracts made with the said Proprietaries for the Purchase of them: *And Whereas*, we have received intelligence that a Number of People of the said Colony of Connecticut are now again assembled in Arms, and proceeding on their way to this Province, in a hostile and warlike Manner, in order violently and forcibly to take Possession of the said Lands on the Susquehanna: *And Whereas*, by an Act of General Assembly of this Province, made in the present year 'for preventing Tumults and riotous Assemblies, and for the more speedy and effectual punishing the Rioters,' it is enacted 'that if any Persons, to the Number of twelve or more, being unlawfully, riotously, and tumultuously assembled together, at any Time after the Publication of this Act, and being required or commanded by any one or more Justice or Justices of the Peace, or by the Sheriff of the County, or his under-Sheriff, or by the Mayor, Bailiff or Bailiffs, or other Head Officer, or Justice of the Peace, of any City or Town Corporate where such Assemblies shall be, by Proclamation, to be made in the King's Name, in the Form therein directed, to disperse

themselves and peaceably to depart to their Habitations, or to their lawful Business, shall to the number of twelve or more, (notwithstanding such Proclamation made), unlawfully, riotously, and tumultuously remain or continue together, to the Number of twelve or more, after such Command or Request made by Proclamation, shall be adjudged Felony, without Benefit of Clergy, and the Offenders therein shall be adjudged Felons, and shall suffer Death as in case of Felony, without Benefit of Clergy,' ' *Wherefore*, to preserve the Peace of the Province, and to warn and prevent any of the Inhabitants of this Government from being unwarily drawn in to join the said Intruders in prosecuting their illegal Settlements, and from Subjecting themselves to the Penalties of the said recited Act, We have judged it proper to issue this our Proclamation, hereby forbidding all His Majesty's Subjects of this or any other Colony or Province, on any pretence whatsoever, to intrude upon, settle or possess any of the aforesaid Lands, or any other Lands within the Limits of this Province, without the express permission of this Government, as they will answer the contrary at their Peril, and on pain of being prosecuted with the utmost Rigor of Law; And we do hereby strictly charge and enjoin all Magistrates, Sheriffs, and other Peace officers within this Province, to enforce and carry into strict Execution the said Act of General Assembly, as well against the said Intruders, as all others who may transgress the same.

"Given in Council, under the Great Seal of the said Province, at Philadelphia, the tenth day of July, in the Year of our Lord one thousand seven hundred and seventy-one, and in the eleventh Year of the Reign of our Sovereign Lord George the third, by the Grace of God, of Great Britain, France and Ireland, King Defender of the Faith and so forth.

"JAMES HAMILTON, President.

"By Order of the President and Council,

"JOSEPH SHIPPEN, Junior, Secretary.

"GOD SAVE THE KING."

At a Council held at Philadelphia on Tuesday the 16th of July, 1771.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, President.

Joseph Turner,	James Tilghman,	Esquires.
Richard Peters,	Andrew Allen,	
Benjamin Chew,	Edward Shippen, Junr.	

Captain Amos Ogden, who came to Town last Night Express from Wyoming, appeared at the Board, and acquainted them that on Tuesday last about seventy armed Men from Connecticut, joined

by Lazarus Stewart and some others of his Accomplices in the Murder of Nathan Ogden, had arrived at Wyoming, with a design of repossessing the Lands there, and prosecuting their illegal Settlement. He also represented the distressed Condition of the People who are settled there under Contracts with the Proprietaries, that they consisted at present of about forty Men, (many others being absent taking care of their Harvest on Delaware,) and about one hundred and fifty women and Children, who, on the approach of the Connecticut Intruders, were obliged to take refuge for their safety and defence in a Block House, where they had but a small Quantity of Provisions, which could not last them longer than about ten days; That unless some Relief and Assistance was immediately sent to them, they would be obliged to abandon their Settlements, and leave the Connecticut Tresspassers the Possession of their Lands, and all their Fields of Wheat and Indian Corn; That they had therefore requested him to come down with all the Dispatch in his Power, and make application to the Government in their behalf, to grant them such Assistance and Relief as they should judge would be sufficient to enable them to stand their Grounds, and remove the Party who were come to distress them.

The Board taking this Matter into their serious Consideration, were of Opinion that, in Order to bring to Justice that dangerous Villain, Lazarus Stewart, and his daring accomplices, to preserve the Public Peace, and prevent such Tumults and Riots as have heretofore been committed by them, in conjunction with the Connecticut People, it would be expedient and necessary to order the Sheriff, and one or more of the Justices of the Peace for the County of Northampton, to proceed without delay to Wyoming, taking with them about an hundred Men, as a Posse Comitates, in order to enforce the Riot Act lately passed in this Province, and by legal warrants to apprehend and bring to Justice, not only such as had been concerned in the Murder of Nathan Ogden, and in former Riots, but such as should oppose them in the due execution of the Laws.

"It was, therefore, accordingly agreed that an hundred Men should be hired to accompany the Sheriff to Wyoming for the Purposes aforesaid, and that a quantity of Provisions should be immediately provided in Town and sent up to Northampton for their subsistance, and for the relief of the Settlers at Wyoming; and that Mr. Tilghman and Mr. Joseph Shippen should proceed without delay to Easton, in order to meet the Magistrates of Northampton County, and consult them upon the proper Steps to be taken for the speedy raising a Number of Men, and forwarding the intended Measure. And in order to defray the Expences which must Necessarily arise in carrying this Measure into Execution, The Board, upon considering a Letter from Henry Wilmot, Esquire, to Mr. Chew, approved by the Proprietaries, relative to the removing the Connecticut Intruders from off the Lands at Wyoming, are of Opinion

that the Receiver General may be justified in paying the Draught of this Board for the Sum of *three hundred Pounds*, and they have accordingly drawn an Order on the Receiver General for that Sum, payable to the said Messrs. Tilghman and Shippen, to be applied to those Expences.

At a Council held at Philadelphia, on Thursday the 1st of August, 1771.

PRESENT:

The Honorable JAMES HAMILTON, Esquire, President.

William Logan,	James Tilghman,	} Esquires.
Richard Peters,	Edward Shippen, Junr.,	}

The Council was this day summoned to consider the Return of the Road on the Line dividing the Counties of Philadelphia and Bucks; but as no more than four Members attended, (several of them being out of Town), it was agreed that the Consideration of this Matter should not be entered upon without a fuller Board. The hearing of the Parties for and against the Road was therefore postponed 'till Monday the ninth of September next, and the Secretary gave Notice thereof accordingly to the Persons concerned, who attended on this Occasion.

One of the Members of Council acquainted the Board that John Moore, Esquire, one of the Justices of the Peace for the County of Northampton, had some Time ago removed into Philadelphia County, and recommending him as a Man of good Understanding and Character, who had discharged his Duty as a Magistrate with Fidelity, requested he might be put into the Commission of the Peace for the County where he now resides. The Board approving of the said Recommendation, issued a Special Commission, appointing the said John Moore, Esquire, a Justice of the Court of General Quarter Sessions of the Peace and of the County Court of Common Pleas for the County of Philadelphia.

At a Council held at Philadelphia, on Saturday, 3d August, 1771.

PRESENT:

The Honorable JAMES HAMILTON, Esquire, President.

Benjamin Chew,	Andrew Allen,	} Esquires.
James Tilghman,	Edward Shippen, Jun.,	}

Mr. Tilghman and Mr. Joseph Shippen, who returned a few days ago from Northampton, Reported to the Board, That on their arrival at Easton, they had a Meeting with all the Magistrates of the County, who each engaged to use their Influence in raising Men in

different Parts of the County to meet the Sheriff over the Mountain on the Wednesday following, and to accompany him to Wyoming; that notwithstanding the Endeavours used by the Magistrates and others who were employed in New Jersey to raise Men, there assembled at the Place of Rendezvous not more than about forty Men, instead of an hundred, expected to be raised; that so small a number of Men, upon a consultation with the Magistrates, were thought very insufficient to effect the Business at Wyoming; Whereupon it was judged most advisable to suspend the attempt till the Harvest was over, when there would be a greater probability of procuring a sufficient Force, and in the mean Time to send a Party of about twenty men with a supply of Flour to our People in the Block House at Wyoming, who, by the intelligence received from thence, were in great Distress for want of that Article, and were invested by four different Incampments of the New Englanders and the other Rioters; That having given directions for the immediate dispatch of this supply, they left Instructions with Mr. Gordon and the other Magistrates, the Sheriff and Mr. Charles Stewart, to make another attempt to raise about sixty Men, to meet at the Foot of the Mountain on Wednesday the 12th of August, which, with the Party sent with the Flour, and the Men then in the Block House, were judged sufficient to assist the Sheriff in executing the Riot Act, and in the further discharge of his Duty. Mr. Tilghman then laid before the Board the Deposition of Thomas Neal and Valentine Arnott, &c^a^ taken before Captain Amos Ogden, which was read, and is as follows, Viz^t^:

"Thomas Neal, Valentine Arnott, and Thomas Scott, being duly sworn on the Holy Evangelists, doth depose and say, that on Tuesday Morning the 30th Instant, July, 1771, these Deponents was in Company with Captain Joseph Morris and John Dick, who commanded a party of Men sent to Weyomee with Provision for the relief of the distressed Persons in the Block House, and as the Party was marching along the Road within three or four hundred Yards of the Block House, was hailed by a Man which they believe was a Sentery. He asked who comes there; He was answered a Friend, by Captain Morris or some of his Party; they was hailed several Times, and still answered and marched on, until they had got almost between two Breast Works, when they saw a Man rise up, hail'd, ordered them to stand, and swore by God he would fire; they still marched on; he immediately presented his Gun and fired. The Fire then soon became general from the Breast Works and out of the Woods. Morris and Dick's Party returned the Fire and took to the Trees; but these Deponents did not continue but a very short Time before they thought it Time to make their Escape, as they saw the Numbers of their Enemy increase. The Fire grew hot, and they was a surrounding them; these Deponents saw some of their own Men fall, but cannot say that they was killed; they returned to a thick Wood, a mile or two

from the Block House, where they lay the greatest part of the day, and then made the best of their way for the Inhabitants; further these Deponents saith not.

"Sworn before me.

"AMOS OGDEN, Jur.

"August 2d, 1771."

The Board thought proper to postpone the Consideration of this Matter till further intelligence shall be received from Wyoming, respecting the Event of the Skirmish mentioned in the above Deposition, and the situation of our People in the Block House at that Place.

At a Council held at Philadelphia, on Tuesday the 6th of August, 1771.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, President.

William Logan, Richard Peters, Benjamin Chew, Thomas Cadwalader, James Tilghman, } Esquires.

Mr. Tilghman laid before the Board two Letters he received this Morning by Express from Easton, which were read, and are as follow, Vizt:

"EASTON, 5th August, 1771.

"Sir:

"We have been held under suspense as to the fate of our Party that was sent up with Provisions for the relief of the distressed People in the Block House, until this minute that I received the inclosed Letter, with very agreeable intelligence from John Dick, to which I beg leave to refer you. This Account gives me a very singular satisfaction, as the vague Reports which have been industriously propagated have been highly exaggerated against us. The nine of the Party which Dick mentions to be missing are all returned safe. Those in the Block House will be soon in want of another Supply, and therefore it will be necessary that effectual Measures be immediately taken for that Purpose. This day was appointed by the Sheriff and Justices to rendezvous all the Men they had engaged for that Service at Heller's, but they being discouraged by the repeated bad Tidings from Wyoming, refused to go, and whether, even from this good Prospect of our Affairs, they will again be prevailed upon, is somewhat doubtful.

"I am in great haste, Sir,

"Your most Obedient, humble Servant,

"LEWIS GORDON.

"JAMES TILGHMAN, Esquire."

"WYOMING, August 1st, 1771.

"Sir:

"Last Tuesday, about Break of Day, I arrived at this place with 31 Men and the Provisions, and was attacked by the Yankeys, (who had information of our coming by a Letter falling into their Hands, which an Indian was sent with by Captain Ogden), we were surrounded by their Fire; we lost two Loads of Flour, and got in with the remainder, with 22 Men; nine of our Men are missing; whether they retreated or are killed, I can as yet have no information; they have kept an almost constant Fire on the Block House ever since from four entrenchments. We have forty-nine Men able to bear arms, besides two that is wounded, forty-eight Women and Children, and are determined to hold out to the last extremity. If the Forces is not sent immediately, we shall be in a bad situation.

"I am Sir, your very humble Servant,

"JN°. DICK.

"P. S. We had Information by an Indian, the other Party has three killed and several wounded.

"To LEWIS GORDON, Esquire."

The Board having considered what further Steps ought to be taken for the removal of the Connecticut and other Intruders from the Lands at Wyoming, agreed that Orders be immediately dispatched for raising one hundred Men, with the utmost Expedition, to accompany the Sheriff as a Posse to Wyoming, in order to enforce the Riot Act, and to pursue the steps directed by this Board on the sixteenth ultimo. But it appearing that the Money which was then advanced on the Proprietaries' Account by the Receiver General, is nearly one-half expended, by Means of the late Attempt to raise Men and in purchasing a Quantity of Provisions, and reinforcing the Block-House at Wyoming with Men and Flour, it was conceived that the Remainder would not be sufficient for carrying this Matter into Execution, and as it was not thought proper to apply to the Receiver General for any more money on this Account, the President acquainted the Board that if they thought the additional Sum of £300 would be sufficient for the Purpose, he would chearfully advance so much himself, and accordingly requested Mr. Tilghman would call on him for that sum whenever it should be wanted.

At a Council held at Philadelphia, on Tuesday the 13th of August, 1771.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, President

Joseph Turner, James Tilghman, } Esquires.
Benjamin Chew, Andrew Allen, }

Mr. Tilghman presented to the Board two Letters he had received by Express, from Lewis Gordon, Esquire, of the 8th and 11th Instant, which were read, and are as follow, Viz^{t}:

"EASTON, the 8th of August, 1771.

"Sir:

"I received your answer to my Express by Spering this Morning, and as it was expected that the Government would adopt the Measures they have, care has been taken to keep the Men in the best Spirits possible, so that by Saturday or Sunday next it is not unlikely but that one hundred effective Men may be ready to march for the relief of the Block House, which with the Number already there is, judged sufficient to disperse the Rioters. I have recommended it to the Cousideration of Captain Ogden, if it be at all practicable, to throw in Succors to the Sufferers, whether it would not be most eligible to do it through means of Job Chillaway, the Indian, and his Friends at Wyaloosing, who, being Neutrals in the Dispute, may perform this Service by water Carriage with great safety, and even without Suspicion; whereas, our Men must run the greatest Risque; I observe what you say with respect to the decoy Letter, but I am afraid old Birds will not be taken by Chaff; they have been served so before, and discovered it too late, therefore they are no doubt on their Guard. However, nothing can be lost by the Experiment.

"The rendezvous being appointed a week sooner than you proposed, was only to compare our various Successes, and if sufficient, to avoid Expences. The Business shall be expedited with the utmost Activity, which, as you well observe, is the Life of the Cause; but you do not seem sufficiently to consider under what embarrassments we labour for want of Money, which is the Soul of it. There is a difference between bad pay and no pay at all; Shoes and other Necessaries are wanting, and therefore, it is expected that you will send Money without delay.

"I remain, Sir,

"Your most obedient Servant,

"LEWIS GORDON

"JAMES TILGHMAN, Esquire."

"EASTON, August 11th, 1771.

"Sir:

"I received your Express this moment, by Mr. Robinson, and am sorry to inform you that the raising the Posse has not succeeded so well as we had reason to expect; for upon a Muster made yesterday at Reemy's, there appeared only about 25 Men, altho' from the Promises made us, we had reason to expect not less than an hundred, but they are drawn off again by their Friends, who look upon the attempt as too dangerous. The Block House, in my opinion, cannot be relieved in Time, which gives me the greatest Concern, as it is but too likely they will use the People cruelly if they fall into their Hands. It now appears to me that you cannot depend upon raising a Sufficient Force in these Parts to disperse them, as the bulk of the County is averse to it, and even exclaim against it. I enclose a Deposition of Joseph Drake, which ascertains their Number, also the Number of their killed and wounded, and takes notice of their cruel and Merciless Dispositions. As yet I know not any more with respect to the Situation of the Sufferers, for the Person who delivered Dick's Letter to me came not from the Fort. But this one Thing I know, that it is the first Time I heard of King's requisition of Provisions from me or any body else here. There is not the least Shadow of Truth in it, and the Report is a malicious Calumny. He is now at Reemy's, with his small Party, waiting to be reinforced, and, for any Thing I ever heard, in very good humor. Pray what is to be done with the 25 Men at Reemy's; are they to be discharged or continued in pay. I Pray also you will not suffer false Reports to injure your best Friends.

"I am in haste,

"Your most obedient Servant,

"LEWIS GORDON.

"Mr. TILGHMAN."

The Board took the Subject of the above Letters into consideration, but thought it most advisable to defer a Determination thereon 'till more particular Intelligence should be received respecting the Condition of the Wyoming Affairs, as well as further Accounts of the Magistrates' success in raising Men in Northampton County.

At a Council held at Philadelphia, on Monday the 19th of August, 1771.

PRESENT:

The Honorable JAMES HAMILTON, Esquire, President.

Joseph Turner,	James Tilghman,	Esquires.
Richard Peters,	Andrew Allen,	
Benjamin Chew,	Edward Shippen, Jun^{r}.	

Mr. Tilghman presented to the Board three Letters, which he received on Saturday Evening last by Express from Easton, which were read; one of which Letters follows in these Words, Viz^{t}:

"TEN MILE RUN, 4 O'clock, P. M.

"Sir:

"I came here about half an hour ago, where we received the disagreeable News of the Block House being obliged to surrender for want of Provisions. We sent David Ogden and an Indian in last Night, but, as they could not get in, our People could not hear of their approach, otherwise they could have held out 'till Morning. We were just sending off Flour, by way of Lackawanack, and intended this Night to attack their Camp over the River; one of our People in the Block House was killed on Tuesday, from the other side of the River. I should be glad to know how to proceed farther. We shall keep the Shehole and the Minisink Paths Guarded, to prevent more People, &c^{a}, coming to them, or Retreat to the other side of the Swamp till more Men and further Orders comes up. They are 150 strong, and will get as many more in ten days. Our People are 60 in number, and much disheartened, so that there is no persuading them farther on, and indeed we could with such a number do nothing decisive.

"I remain, Gentlemen, your humble Servant,

"AND^{w}. LEDLIE.

"To Mess^{rs}. GORDON & COGLINE, Esquires.

They will permit me to go unarmed to dress the wounded.

The other two Letters are from Charles Stewart and Lewis Gordon, Esquires, dated at Easton, the 16th of August Instant, and are in Substance the same as the foregoing, containing an Account of the Surrender of the Block House at Wyoming, and a Journal of the Proceedings of the Party who had been sent to succour our People at that Place.

The Board having duly considered the disagreeable Account of the surrender of the Block House at Wyoming to the Rioters, contained in the above mentioned Letters, and the Difficulties attending the dispossessing and removal of them at this Time, were of Opinion that all further Attempts for that Purpose should be suspended 'till the Meeting of the Assembly next Month, and that then a true

State of the Riots and hostile Proceedings of Lazarus Stewart and his Party, with a Number of others who had joined him from Connecticut, and other Colonies, should be communicated to the Assembly, and that it be recommended to them to take effectual Measures for apprehending and punishing the said Rioters, and dispossessing them of the Lands they unlawfully hold by Force of Arms.

Mr. Tilghman then laid before the Board a Draft of a Letter he had prepared at their Request, to the Honorable the Proprietaries, communicating to them the Measures hitherto pursued by the Council since Governor Penn's Departure, for the keeping Possession of the Lands at Wyoming against the Intrusions of the People of New England, and others in Confederacy with them, and acquainting them with the present State of Affairs there. The said Letter was read, and being approved, was ordered to be fairly transcribed and dispatched by the first Opportunity, to England. The Letter follows in these Words, Viz^{t}:

"PHILADELPHIA, the 20th of August, 1771.

"May it please your Honour:

"We beg leave to lay before You a State of the Settlement at Wyoming, which for several Years past hath been a most expensive Article to you, and given great Trouble to every body concerned in Government. The gaining a Possession there by the Connecticut Susquehanna Company, and the extending their Settlements to other Parts of the New Purchase, equally within their Claim, has been thought so greatly to affect your Interest, as well as the Peace and good Order of the Province, that Attempts have from Time to Time been made to dislodge them, which have been generally been successful, tho' very expensive, and Hopes have still been conceived that each removal would discourage these lawless Intruders from further Attempts to establish their unlawful Possessions, especially as the Government here have been informed that the Legislature of Connecticut could not be prevailed on to support their Proceedings. The last removal of them was in January, after which it was determined to sell the Lands to such People as had been concerned in making the Settlement, in order the more strongly to induce them to defend the Possession against these Intrusions, and in consequence of this Resolution, the Lands were offered to Sale, and a Number of People entered into Contracts for the Purchase of them; an Account of which proceeding the late Governor carried over with him.

"As we were informed, the Government of Connecticut had lately so far interfered in the Affair as to enter into an Enquiry concerning the Right of the Colony to the disputed Lands, but would not intermeddle at Present with the Possession, we were in good Hopes no violent Measures would have been again pursued by the Susquehanna Company; Yet, to our surprize, we received Information on

the 16th of last Month, that an armed body of the Intruders had marched to Susquehanna about a Week before, and had taken Possession about a Mile and an half from our Block House at Wyoming, and being superior in Number to our People then on the Ground, (a good many of our Settlers having left the Place to take Care of their Harvests on Delaware), they had confined them to the Block-House, and seized upon their Cattle, Horses and other Effects. Upon considering the great Inconvenience of having this Settlement broke up and abandoned, the discouragement it might give to the Settlement of the other parts of the new Purchase on the Susquehanna, and how dangerous it might prove to the Public Peace and Tranquility of the Province, to suffer it to remain without opposition in the Hands of these Intruders, who had taken under their Protection those dangerous villains, Lazarus Stewart and his Accomplices, in the murther of Nathan Ogden, (for apprehending whom the Assembly had offered large Rewards), We came to a Resolution of once more attempting to remove them, by a legal Procedure upon our Riot Act, and to relieve our own People in the Block-House from their distressed Situation. And as this could not be effected without some considerable Expence, which the Settlers at this Time were not in a capacity to defray, We, upon considering Mr. Wilmot's Letter to Mr. Chew, approved by the Proprietaries, relative to the removal of the Connecticut Intruders, were of opinion we might venture to draw upon the Receiver General for the Sum of three hundred Pounds for this Service, and even to indemnify him for the Payment of it. And we were the rather induced to this Measure, as we were well informed that the principal Members of the Connecticut Company opposed this Expedition, (tho' a majority were for it), which leads us to expect that, could they now be effectually opposed, they would not again embark in the affair against the opinion of their principal People.

"To promote and forward this Service, Mr. Tilghman and Mr. Joseph Shippen went to Northampton, but it being in the midst of Harvest, a sufficient number of People to attempt a removal could not be immediately raised, and therefore a Party of twenty men was sent over with a Quantity of Flour (the only Article they were in great want of) to relieve our People in the Block-House, and enable them to hold out 'till the Harvest was over, and a sufficient Posse could be raised to remove the Intruders. This Party was attacked and fired upon by the Connecticut People, who had by this Time invested the Block-House, and with great difficulty got in with a part of their Provisions; two of the Men being wounded, our People in their own Defence returned the Fire, and it is said killed and wounded some of the other Party. This Event made it exceeding difficult to collect any thing of a Posse to attend the Sheriff, or to send any further Relief to the Block-House, which was known to be in great distress. At length, on the 13th Instant, the number of sixty-two Men was made up, and marched towards

Wyoming. But on the 15th, about two miles on this side Wyoming, they received intelligence that the Block-House, unable any longer to hold out for want of Provisions, had surrendered the night before.

"Upon receiving this Intelligence, and considering that the number of our people was insufficient for the purpose of dispersing the Rioters, who are superior in number and in Possession of the Block-House, we ordered them to be discharged, to avoid a further Expence.

"Thus, unfortunately, has this troublesome affair ended, and it seems as if these Intruders must retain their Possession, unless the Assembly will take the matter up, and give that Assistance of Money which is absolutely necessary for their Removal. We have no Militia, and if the Assembly will not interest themselves, you have in our opinion, no way left but to push a decision of the Right before the King and Council. And as it is a point of Jurisdiction as well as of Right, it ought to have all possible dispatch, to prevent the many fatal Consequences attending a Settlement made in a manner hostile, and not subject to any Government.

"But we have good Reason, upon conferring with the Speaker and some principal Members of the Assembly, to expect the Government will have their Assistance in this matter.

"As soon as ever the People who commanded at the Block House come down to Town, a particular Account of the Affair shall be taken upon Oath, and transmitted to you by the first Opportunity.

"We are truly concerned at this Indignity which the Government must suffer, and that the Expence it has been to you has not answered our Expectations. It will cost considerably more than the £300, for which we drew on the Receiver General, but the Overplus will not come out of your Purse.

"We have the Honor to be, with due Regard,

"Your most Obedient humble Servants,

"BENJAMIN CHEW,
"JAMES TILGHMAN,
"ANDREW ALLEN,
"EDWARD SHIPPEN, Jun^r,
"JAMES HAMILTON,
"JOSEPH TURNER,
"RICHARD PETERS,
"THOMAS CADWALADER.

"P. S. August 22d. The Persons who commanded in the Block House having come to Town, since writing the above, their Depositions have been taken, and are now inclosed."

"To the Honourable THOMAS PENN and JOHN PENN, Esquires, Proprietaries of the Province of Pennsylvania, London.

The Board ordered that a special Commission be issued, appointing Mr. Matthew Clarkson a Justice of the Court of General Quarter Sessions of the Peace and of the county Court of Common Pleas for the City and County Philadelphia, in order to accomodate him in his Office of Notary Public, by enabling him to take the Acknowledgements of Deeds, &c.

At a Council held at Philadelphia, on Monday 9th September, 1771.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, President.

Joseph Turner, Thomas Cadwalader,
William Logan, Andrew Allen,
Richard Peters, Edward Shippen, Junr., } Esquires.
Benjamin Chew,

The Consideration of the Return of the Road on the Line dividing the Counties of Philadelphia and Bucks, having been postponed from the 1st of August last to this day, several of the Inhabitants of both Counties appeared, and presented to the Board Petitions from a considerable Number of People of those Counties, setting forth their Objections to the Confirmation of that Road, and praying leave to explain them. The Return and Petitions being severally read in their Order, the Petitioners against the Road, as well as those who attended at the Board in support of it, were fully heard.

Whereupon the Board, after deliberate Consideration had of the Objections made to the Road, and the Reasons urged in its favor, were unanimously of opinion that the same is by no means necessary for the Public Service, and it is therefore disallowed.

The President having on the 31st of August, received by the Packet a Letter from the Right Honorable the Earl of Hillsborough, one of His Majesty's Principal Secretaries of State, dated the third of July last, inclosing His Majesty's Order in Council respecting twenty Acts of Assembly passed in this Province, with an Instrument in Writing, under the Privy Seal, adjudging and declaring one of the said Acts to be void; and a like Instrument signifying His Majesty's disallowance of a Law passed in this Province in September, 1764, laid them before the Board; they were severally read, and are as follows, Viz.:

(No. 26.)

"WHITEHALL, July 3d, 1771.

"Sir:

"Inclosed I send you by the King's Command, an Order of His Majesty in Council on the 24th of May last, upon the Considera

tion of several Laws passed in Pennsylvania in September, 1769, and in February, May, and September, 1770. I likewise transmit to you, in Order to its being published in the proper Manner, an Instrument which has passed under the Privy Seal, signifying His Majesty's Adjudication and Declaration of one of the said Acts to be void, and also another like instrument, that passed the Privy Seal in June, 1766, for declaring void a Law of Pennsylvania enacted in September, 1764, which Instrument I found upon Enquiry, had been neglected to be taken out at the Time it passed.

"I have the Honor to be Sir,

"Your most obedient Humble Servant,

"HILLSBOROUGH.

"Deputy Governor of Pennsylvania."

At the Court at St. James's, the 24th day of May, 1771.

[L. S.] PRESENT:

THE KING'S MOST EXCELLENT MAJESTY

Lord President,	Earl of Briston,
Duke of Queensberry,	Earl of Pomfret,
Lord Stewart,	Viscount Falmouth,
Earl of Dembigh,	Lord Grantham.
Earl of Rochford,	

WHEREAS, there was this Day read at the Board a Report from the Right Honorable the Lords of the Committee of Council for Plantation Affairs, upon considering twenty Acts passed in the Province of Pennsilvania, in September, 1769, and in February, May, and September, 1770, which Report is dated the 23d Instant, and is in the Words following, that is to say:

Your Majesty having been pleased, by your Order in Council of the 11th of February last, to refer to the Lords Commissioners for Trade and Plantations twenty Acts passed in the Province of Pennsylvania, in September, 1769, and in February, May, and September, 1770, with directions to them to make their Report thereupon to this Committee, which Acts are Intitled as follows, Viz^{t}:

No. 1. "An Act to enable the Owners of Meadow Lands on both sides of Gunner's Creek, to construct, maintain, and keep up a Dam and Sluices, and to raise a Fund to defray the Expence thereof."—Passed the 24th of February, 1770.

No. 2. "An Act for repairing the Highway between Frankford Bridge and the Bridge over Frankford Mill-Race."—Passed do

No. 3. "A Supplement to the Act intituled 'A Supplement to the Act intituled 'An Act for taking Lands in Execution for the Payment of Debts, and for confirming Partitions in several Instances heretofore made.'"—Passed do.

No. 4. "An Act for the better confirmation of the Estates of Persons holding or claiming under Feme-Coverts, and for establishing a Mode by which Husband and Wife may hereafter convey their Estates."—Passed do.

No. 5. "A Supplement to the Act intituled 'An Act to enable the owners and Possessors of a certain Tract of Marsh and Meadow Land therein described, Situate in the County of Chester, to keep the Banks, Dams, Sluices, and Flood Gates in repair, and to raise a Fund to defray the Expense thereof."—Passed do.

No. 6. "An Act for the Sale of Goods distrained for Rent, and to secure such Goods to the Persons distraining the same, for the better security of Rents, and to prevent Frauds and Abuses committed by Tenants."—Passed do.

No. 7. "An Act for appointing Commissioners to meet with Commissioners who are or may be appointed by the Legislatures of the Neighbouring Colonies, to form and agree upon a General Plan for the Regulation of the Indian Trade."—Passed do.

No. 8. "An Act for incorporating the Society formed for the Relief of poor, aged, and infirm Masters of Ships, their Widows and Children."—Passed do.

No. 9. "A Supplement to the Act entituled 'An Act for bailing Prisoners, and about Imprisonment."—Passed do.

No. 10. "An Act for the relief of the languishing Prisoners in the Goals of the several Counties within this Province, with respect to the Imprisonment of their Persons."—Passed do.

No. 11. "An Act for punishing wicked and evil disposed Persons going armed in Disguise, and doing Injuries and Violence to the Persons and Properties of His Majesty's Subjects within this Province, and for the more speedy bringing the Offenders to Justice."—Passed do.

No 12. "An Act for the relief of John Relfe and Abraham Howell, Prisoners in the Goal of Philadelphia, with respect to the Imprisonment of their Persons."—Passed the 30th September, 1769.

No. 13. "An Act for the Support of the Government of this Province, and Payment of the Public Debts."—Passed do.

No. 14. "An Act to continue An Act entituled 'An Act to enable the Commissioners hereinafter named, to settle the Accounts of the Managers, and to sue for and recover from several Persons such Sums of Money as are now due and unpaid on Account of the Lottery set up and drawn for erecting a House of Worship at the Town of Carlisle, in the County of Cumberland, for the use of the first Presbyterian Congregation under the Pastoral Care of John Steel."—Passed do.

No. 15. "An Act for the relief of John Galbreath, a languishing Prisoner in the Goal of Chester, with respect to the Imprisonment of His Person."—Passed do.

No. 16. "An Act for the further continuance of the Act entituled 'An Act for appointing Wardens for the Port of Philadelphia, and for the better regulating Pilots plying in the River and Bay of Delaware, and the Price of Pilotage to and from the said Port."—Passed 16th May, 1770.

No. 17. "An Act to continue an Act entituled 'An Act for the opening and better amending and keeping in repair the Public Roads and Highways within this Province."—Passed 29th September, 1770.

No. 18. "An Act for regulating Waggoners, Carters, Draymen, and Porters, within the City of Philadelphia, and for other Purposes therein mentioned."—Passed do.

No. 19. "An Act for the Regulation of Apprentices within this Province."—Passed Do.

No. 20. "An Act for the support of the Government of this Province, and Payment of the Public Debts."—Passed Do.

"The said Lords Commissioners for Trade and Plantations, pursuant to your Majesty's aforementioned Order in Council, have made the following Report to this Committee."

"That these Acts having in general been enacted for Purposes of Domestick Economy and Convenience, we have no Observations to submit to your Lordship's Consideration thereupon, neither has any objections in Point of Law been reported to us by Richard Jackson, Esquire, one of His Majesty's Counsel, to whom we have referred these Acts, except in the four following cases.

"The first and second of these respect two acts passed in the said Province of Pensilvania in the year 1769, intitled:

1st. "An Act for the Relief of John Relfe and Abraham Howell, Prisoners in the Goal of Philadelphia, with respect to the Imprisonment of their Persons."

2d. "An Act for the Relief of John Galbreath, a languishing Prisoners in the Goal of Chester, with respect to the Imprisonment of his Person."

"Upon these two acts Mr. Jackson observes that, besides the General Objection to which they are liable as private Acts of Insolvency, he conceives them to be faulty, inasmuch as they contain no clause excepting Debts due to the Crown, nor any Clause in favor of Land-lords, as to Goods subject to Distress, nor a Clause in favor of distant or absent Creditors; every one of which Clauses he thinks should make part of an Insolvent Act; on the other Hand, he observes that it is probable the object of one of these Acts, being confined in a Country Goal, is not Indebted in any Mercantile Debt.

"That Relfe, the Bankrupt, one of the objects of the other, appears to be intitled, in Justice to his personal Liberty, having complied with the Laws of Bankruptcy in this Kingdom; and that these Clauses having frequently, as he observes, been frequently inserted in former Insolvent Laws of this Province, it may be pre-

sumed they would have had their place here, had there not been some Proof given that there was no occasion for them, which is the more probable, as there has been no objection made to the acts, though they passed above eighteen Months ago; nor does there appear to have been any opposition to them in America.

"The next Case wherein Mr. Jackson has stated any objection to the acts under Consideration, refers likewise to an Insolvent Act passed in the said Province, in the year 1769, entituled 'An Act for the relief of the languishing Prisoners in the Goals of the several Counties within this Province, with respect to the Imprisonment of their Persons." Upon this Act Mr. Jackson observes, that it is defective in the particulars mentioned in the observations above stated, but that these defects are in a Degree obviated by the Trustees being required to act under the Direction of the Court; Nevertheless, he observes that that he should humbly submit his opinion for the Repeal of this act, thinking as he does, these Provisions necessary in such Laws, unless it should be deemed sufficient for this year to rely on the controul given to the Court, intimating however, in such manner as shall seem fitting, what should be the contents of future Laws of this kind."

"The fourth and last case refers to an Act passed in the said Province in the year 1770, entituled "An Act for the sale of Goods distrained for Rent, and to secure such Goods to the Person distraining the same, for the better security of Rents, and to prevent Frauds and abuses committed by Tenants. Upon this Act Mr. Jackson observes, that the greater Part thereof is almost necessary in a Country where Lands and Houses are frequently occupied by Tenants, and so much of this Act has therefore long since been made part of the Law of England by Act of Parliament, but that there is besides a Clause in this Act impowering two Justices to deliver Possession of the demised Premises, in case of a Tenant's holding over, that goes beyond any provision in our Law. That there is in this Act a direction for impanelling a Jury to try the fact of Demise; but as it is possible the Title may sometimes be in Question, (as for Instance where the original Lessor being dead, his Will, or the construction of it, is disputed) he thinks it by no means proper such a question (perhaps a point of Law) should be decided by two Justices, as it must sometimes be as the Act now Stands. That, therefore, he wishes that an Amendment of this Law may be made by a further Act of Assembly, enabling the Tenant to alledge that the Title is disputed, at the same Time naming the Person who he alledges to dispute the Title, and in case such Person shall on Summons enter into Recognizance to prosecute his Claim within a limited Time, the Justices to stay their proceeding; but in default of such prosecution, or of the Tenant's appearing, Judgment to be by default.

"Having thus stated these Observations and Objections in the Cases above enumerated, as reported to us by Mr. Jackson, we shall

submit it to your Lordship's Consideration, to give such Advice to His Majesty thereupon as to your Lordship's Wisdom shall seem fit. But before we close this Report, we think it our Duty on this Occasion, to observe to your Lordships that the Proprietaries of Pennsylvania having, in the Laws of that Colony, for some Time past been usually stiled true and absolute Proprietaries of the Province of Pensilvania, and of the Counties of New Castle, Kent, and Sussex, on Delaware, and it appearing that such stile, so far as it relates to the Counties on Delaware, is highly improper and unwarrantable, this Board in July last, did represent the Impropriety of this Innovation to the said Proprietaries, requiring it to be discontinued, in consequence of which intimation Henry Wilmot, Esquire, Agent and Attorney to the said Proprietaries, who has attended us on the Subject of the above Laws, has informed us that the Proprietors did accordingly give Instructions thereupon, and that the Deputy Governor in Answer thereunto, by Letter dated the 6th of March last, writes to the following Effect, viz^{t}:

"'That the Assembly being then upon the Point of breaking up, The Acts passed that Session must be in the usual Form; but that at the next Meeting he shall take Care to change it.' The Lords of the Committee, upon Consideration thereof, do agree humbly to Report to your Majesty as their Opinion, that with respect to the aforementioned Act No. 6, intituled 'An Act for the sale of Goods distrained for Rent, and to secure such Goods to the Person distraining the same, for the better security of Rents, and to prevent Frauds and Abuses committed by Tenants,' it may be advisable for your Majesty to adjudge and declare under your Privy Seal, the said Act to be void; and as to all the rest of the said Acts, that it may be advisable for your Majesty to permit and allow them to continue in Force, according to their own Limitation.'

"His Majesty taking the said Report into Consideration, is pleased with the Advice of his Privy Council, to approve thereof; and having adjudged and declared void the aforementioned Act No 6, His Majesty hath thought proper to direct the Lord Privy Seal to prepare and pass under the Privy Seal a proper Instrument, signifying such His Majesty's Adjudication and Declaration of the said Act to be void; And as to all the rest of the said Acts, His Majesty is hereby pleased to permit and allow them to continue in force according to their own Limitation; And the Proprietaries of Pennsylvania, their Lieutenant or Deputy Governor, and the Assembly of the said Province, and likewise all others whom it may concern, are to take Notice and Govern themselves accordingly.

"STEPH. COTTRELL."

The Board having considered of the manner of Publishing His Majesty's Repeal of the two Laws mentioned in the aforesaid Instruments, agreed that the same should be done by a Proclamation,

which was immediately drawn by the Secretary, and being approved, was ordered to be issued and inserted in the Public News Papers. The Proclamation follows in these Words, Viz^{t}:

"*By the Honourable JAMES HAMILTON, Esquire, President, and the Council of the Province of Pennsylvania.*

"A PROCLAMATION.

"*Whereas*, his Majesty, by an Instrument of writing under the Privy Seal, bearing Date the Eighteenth day of June, 1766, lately transmitted to this Government by one of His Majesty's Principal Secretaries of State, has been pleased to adjudge and declare void An Act of Assembly of this Province, passed in September 1764, entituled "A Supplement to the Act entituled 'An Act for erecting a Light-house at the mouth of the Bay of Delaware, at or near Cape Henlopen, for placing and fixing Buoys in the said Bay and River Delaware, and for appointing Commissioners to Receive, collect and Recover certain Sums of Money, heretofore Raised by way of Lottery, and to appropriate the same to the Purposes aforesaid.'" And Whereas, his Majesty, by a like Instrument under the Privy Seal, bearing date the fifth day of June last, did also adjudge and declare void one other Act of Assembly of this Provance, passed in February 1770, entituled 'An Act for the Sale of Goods Destrained for Rent, and to Secure such Goods to the Persons Destraining the Same, for the better Security of Rents, and to prevent frauds and abuses committed by Tenants.' We have therefore thought fit to signify and make known the same to all persons within this Government, in order that they may take notice thereof, and govern themselves accordingly.

"Given in Council, under the Great Seal of the said Province, at Philadelphia, the ninth day of September, in the Year of our Lord one thousand seven hundred and seventy-one, and in the Eleventh year of the Reign of our Sovereign Lord George the third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, and so forth.

"JAMES HAMILTON, President.

"By order of the President and Council.

"JOSEPH SHIPPEN, Jun^{r} Secretary.

"GOD SAVE THE KING."

At a Council held at Philadelphia, on Tuesday 17th September, 1771.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, President.

Joseph Turner,	Thomas Cadwalader,	Esquires
William Logan,	James Tilghman,	
Richard Peters,	Andrew Allen,	
Benjamin Chew,	Edward Shippen, Junior,	

It having been agreed by the Board at their Meeting on the 19th ultimo, that a true State of the late Ryots and hostile proceedings of Lazarus Stewart and his adherents at Wyoming, should be laid before the Assembly, and that it should be Recommended to them to take effectual and Speedy Measures for the apprehending and bringing those Ryotters to Justice, Mr. Tilghman produced to the Board a Draught of a Messuage he had prepar'd for that purpose, which being Read, and some alterations made to it, was approved, and the Secretary Directed to Transcribe the same, in order to be delivered to the house as soon as the President should be acquainted that a Quorum was met and were ready to proceed on Business. The following depositions of Ashur Clayton and Joseph Morris, were also laid before the Board, and the Secretary ordered to Deliver them to the House with the Messuage.

Here follows the Deposition of Ashur Clayton, Philadelphia, to wit:

"Ashur Clayton of the City of Philad^a Gentleman, being duly sworn on the Holy Evangels of Almighty God, deposeth and saith, that on the sixth day of July last, being at Wyoming, in the County of Northampton, in this Province, improving his Farm there, he Received Information that a number of armed men, Commanded by Lazarus Stewart and Zebulon Butler, Commonly called Cap^t Butler, were approaching that place, in order, as they gave out, to dispossess the People who had settled there under the Proprietaries of this Province, and Seize on their lands, upon pretence of Claim from the Collony of Connecticut, and thereupon he and the other Inhabitants, with their familes, making in all eighty-two men, Women, and Children, Retired into a Block house for their Security and protection, taking with them the principal part of their Effects, and this Deponent sent out two men to gain Intelligence; that about one o'Clock next morning, one of them Returned & Reported that his Companion, James Bertroug, was taken prisoner by a party of Men at Lachnawanack; and about Eleven O'Clock the same day, Bertroug Returned and Inform'd of his having been made Prisoner the Preceeding night, by a party of Fifty or Sixty men, under the Command of Stewart and Butler, who told him they were come by Authority of the Government of Connecticut to take Possession of that Country, and were determined to do it or

perish in the Attempt; and that while he was with them they took possession of a house at the mouth of Mill Creek and a Mill on the said Creek, and Bertroug further Inform'd that by perswading them he had no Concern in the lands, he obtained his Liberty, and was Charged with a Messuage from Butler to this Deponent, desiring a Conferrence at any place he would appoint; that this Deponent, in consequence of an appointment made, met Butler the next day at about half a Miles distance from the Block house, in the Presence of Ezekiel Pevice, who accompanyed Butler, and Daniel Meade, who went with the Deponent; that Butler told the Deponent that all the Lands there belonged to the Colony of Connecticut; that they came under the Authority and protection of that Government to take possession of them, and were determined to Obtain and keep possession, at the Risk of their lives; and pointing to about thirty of his party, who were advanced within a small distance, said he wish'd the Right could be determined by their Engagement with an equal Number; to all which the Deponent answered that he should not dispute with him about the Right to the Lands, as it was a matter neither of them could determine, but that the Inhabitants having settled there under the Proprietaries of this Province, he and they would endeavour to maintain their possessions untill they could have Orders from the Governor; and the Deponent proposed to Butler that he should draw off his party to the Opposite side of the River, and that neither party should molest the other untill he should receive orders or advice from the Governor; but this was Rejected and they parted without agreeing to any Terms; that from this time he, with the Rest of the Inhabitants in the Block house, kept on their Guard to prevent a Surprize, and laid in what provisions they could, apprehending that Butler and his party would endeavour to put their threats in execution; that on the twenty-seventh day of July, at about twelve o'Clock at night, the Block House was Surrounded by the Connecticut party, under Stewart and Butler, who from that time Kept the Block house invested, and secured themselves by Intrenchments; that the same Night they called to the Deponent and told him he had had time enough to go off, and swore if he did not Surrender up the Block house by eight O'Clock the next day, they would blow him and the People with him to hell; that the next day Some of them appeared near the Block house, and endeavoured by various threats and perswasions to Induce the Inhabitants to Desert it; that they Seized on the Horses, Cattle, and Such other Effects of the Inhabitants as they Could get into their Hands; that on the twenty-ninth a Number of them drew nigh to the Block House with their Firearms in their Hands, and the Deponent, suspecting that they Intended to Surprize it, gave them notice that he was determined to maintain his Possession, and forbad their approaching nigher; that on the thirtieth, a little after day break, the Deponent was alarmed with the firing of Guns, and expecting an attack,

the Inhabitants prepared to defend themselves, and Fired from the Block House towards the quarter from which they expected it, but it soon appeared to be an engagement between the Connecticut party and the party of Men coming with Provisions & Necessaries to the Relief of the Block House, twenty-two of whom got into the Block House, the Rest being Repell'd; that a few minutes after the Connecticut party began to fire at the Block House with Ball, which was continued, with little intermission, Night and Day, until Sunday the tenth of August, the People in the Block House in their Defence returning the Fire; that on the Eleventh, Stewart & Butler sent a man with a Flag to summon the people in the Block House to surrender, which being refused, he withdrew, and soon after they began to Fire at the Block House with small arms and from a Wooden Cannon, which burst at the second discharge; that the fireing Continued on both sides untill the fifteenth, when the People in the Block House, having suffered greatly for want of Provisions, which were entirely Consumed, and seeing no prospect of Relief, sent out a man with a Flag to Sewart and Butler, and after several Messages, having obtained the best terms the could, a capitulation was Sign'd by Stewart, Butler, and one John Smith, pursuant to which the Deponent left the Block House, and the Connecticut party took possession of it; that during the seige, Isaac Dalston was wounded and William Ridgyard Killed, in the Block house, by shot from the Connecticut party, and the Deponent hath heard and believes that several of that party were kill'd and wounded by Shot from the Block house; and further the Deponent saith not.

"ASHER CLAYTON.

"Sworn the 22d day of August, Anno Domine, 1771, before me, one of his Majesty's Justices of the Peace for the County of Philad^a, and Notary and Tabellion Publick, duly appointed and Sworn for the Province of Penn^a.

"Quodque manu ac Sigillo Notoriali attestor.

"[L. S] JAMES BIDDLE, Just & Not'y."

Here follows the Deposition of Joseph Morris:

"*Philadelphia County, to wit:*

"Joseph Morris, of Morris County, in the Province of East New Jersey, Gentleman, being duly sworn on the Holy Evangels of Almighty God, deposeth and saith, that he, the said Deponent, being possessed of Lands near Wyoming, upon Susquehanna, in Northampton County, in this Province of Pennsylvania, which he held under the Honourable the Proprietaries of this Province, and understanding that a number of People had assembled at Wyoming and were endeavouring forcibly to Dispossess the

People settled there of their Lands, pretending to Claim them by Authority from the Collony of Connecticut, he joined a party of thirty-two Men going with Necessaries and Provisions for the Relief of the Settlers at Wyoming, by Orders from this Government, on the twenty-sixth day of July last, and on the thirtieth, about day break, being advanced to within about two hundred yards of a Block House, wherein the Inhabitants had sheltered themselves, and were invested by the Connecticut party, a Man posted as a centinel, presented his firelock and challenged the People with the Deponent, calling out who goes there; that they answered they were friends, that the centinel bid them stop, & threatened to Fire if they advanced; Upon which, John Dick, one of the Party with the Deponent, told him they were going peaceably to the Block House, and did not intend to hurt any one, and desired him not to fire, but the Centinal persisted in declaring his Resolution to Fire, and then Dick raising up his Gun, bid him fire, at his peril; that the centinal then stepped a little aside, and a number of Men, about eighteen or twenty, who lay concealed at a small distance to the Right Hand, starting up suddenly, fired upon the Deponent and the party with him, who presently after Received another Fire from the left, and from the Centinal; that finding themselves attacked in this hostile manner, they found in necessary to defend themselves, and being provided with arms, Returned the fire on their Assailants, and Hastening to the Block house under a constant Fire from Several parties of the Connecticut people, twenty-one of them got in, the rest being driven back, with the loss of four Horses, with their loading, having had one of their Men, named Gilbert Ogden, dangerously Wounded by a Shott from the Block house, as this Deponent believes, and two others slightly hurt; that the Deponent and his party continued in the Block House with Ashur Clayton, and the Inhabitants, untill the fifteenth of August Instant, during all which time, except on Sunday the twelfth, the party Surrounding the Fort, who had entrenched themselves, and were commanded by Lazarus Stewart and Zebulon Butler, kept a constant Firing with Ball at the Block House, by which Isaac Dalson was wounded, and William Ridgyards killed, and also fired with Ball from a Wooden Cannon, which Burst at the second discharge; that the Fire was returned by the people in the Block house in their own Defence, but on the said fifteenth of August, being reduced to great straits for want of Provisions, which for many days before had been Dealt out very sparingly, and was by that time wholly consumed, they were obliged to send out a Man with a Flag to treat upon terms, and after several Messages, were constrained to surrender, on the Conditions mentioned in a Capitulation granted to them by Butler, Stewart, and one John Smith, a copy whereof is hereto annexed, which the Deponent believes to be a true and exact Copy, as he himself Transcribed the Original, and has compar'd this with a copy

of it made for him by John Dick, who has it in his possession; and further the Deponent saith not.

"JOS. MORRIS.

"*Sworn* the 22d day of August, Anno Domini, 1771, before me, one of his Majesty's Justices of the Peace for the County of Philadelphia, and Notary and Tabellion Publick, duly appointed and sworn for the Province of Pennsylvania.

"Quodque manu ac Sigille Notoriali Attestor.

[*L. S.*] "JAMES BIDDLE, Just. & Not^y.

Here follows the Articles of Capitulation referred to in the foregoing Deposition:

"*Articles of Capitulation agreed upon the* 15*th day of August*, 1771, *betwixt Colonel Ashur Clayton, Joseph Morris, & John Dick, Commandents of the Block-House, in Behalf of the Honourable the Proprietaries of Pennsylvania, and the Subscribers in behalf of the Colony of Connecticut, on Surrender of the Fort to the latter.*

1st. "That twenty-three men shall go out armed, the Remainder Unarmed, and to go from hence to their Respective Habitations, unmolested by the Opposite Party.

2d. "That the Men who have Families is to have liberty to stay on the land two Weeks, & to take off their Effects, which they are to do unmolested.

3d. "The sick and wounded is to have liberty to stay and keep such persons as they think proper for Nurses, and to send for a Doctor.

"The above articles, we, the Subscribers, do bind ourselves by the honor and Faith of Gentlemen, to abide by and perform.

"ZEBULON BUTLER,
"LAZARUS STEWART,
"JOHN SMITH.

"Testis:—
"ALEXANDER PATTERSON.
"EZEKIEL PIERCE."

Wednesday, the 18th of September.

A Committee of Assembly having waited on the President with a Messuage, to inform that the house were met pursuant to adjournment, and Requesting to know if the President and Council had any business to lay before them, the Secretary carried to the Assembly the Message agreed on yesterday, with the two Depositions it refers to; and at the same time delivered to the House for their Perusal, by direction of the President and Council, a Letter Re-

ceived from the Earl of Hillsborough, dated the third of July last, with its Inclosures, Viz^{t}: an Order of the King in Council of the 24th of May last, respecting several laws passed in this Province, and two Instruments under the Privy Seal, repealing two Laws, which papers are entered on the Council minutes of the 9th of this Month.

A Messuage from the President and Council to the Assembly.

"Gentlemen:

"As by the Laws of this Province the administration of the Government, upon the Departure of our late Governor, devolved upon us, We cannot, consistant with our duty, omit to lay before you a matter which appears to us of a very serious Nature, and nearly to concern the peace and good order of the Province.

"The making of the present Riot Act, and the unhappy Occasion of it, and the Publication of large Rewards for apprehending and bringing to Justice those daring Offenders, Lazarus Stewart and his Accomplices, must be fresh in your memories. These steps, taken by the Government and Legislature, calculated to discourage and Suppress the turbulent Spirit of these Intruders, and others of the same perverse disposition, it was hoped would have had the desired Effect. Yet we are sorry to inform you that the very persons for whose apprehension the Rewards were published, have Lately, with a number of adherents, in open Contempt of the powers of Government, again appeared in Arms at Wyoming, and after seizing upon all their Effects, forced our Settlers there (to whom the Proprietaries had sold the Lands) to retire into a Block House, which they beseiged in a Regular Hostile manuer, keeping up an almost Continual Fire from Intrenchments, for the space of sixteen or seventeen days. At length our people, Reduced to the last Extremity for want of Provisions, were obliged to Surrender upon terms of Capitulation, since which it is Reported that the Intruders have burnt the Block House, and are fortifying themselves at a more Convenient place in the Neighborhood, and that they have Intentions of seizing on Fort Augusta and the Provincial Cannon, and other warlike stores there.

"We must inform you, Gentlemen, that upon the first Intimation of these last violences, the Government took every step in their power, at a very great expence, to Raise a Sufficient Posse to enforce the Execution of the Riot Act against the Intruders, and to apprehend the Offenders, and that Several of the Magistrates of Northampton County were on their way to Wyoming with a Posse, when they received Intelligence of the Surrender of the Block House; and upon being well apprized of the Insufficiency of that Force, and that it would require a much greater one to apprehend and bring the Ryotters to Justice, We ordered the Posse to be discharged, and determined to lay the Case before you at your present Meeting.

"Your own Understandings, Gentlemen, will point out to you the fatal Consequences of suffering these lawless people to remain long in the possessions they have thus obtained, as it were by open War. They will probably soon become more formidable by associating to themselves Numbers of Profligate people from this and the other Provinces; of Course they may Extend their possessions by force, as far as they please, take upon themselves, in a little time to give laws to Government itself, and in the end bring on us all the evils which have lately beeu Experienced by a Neighbouring Colony to the Southward.

"When you come, Gentlemen, seriously to Consider these Important Matters, and that the applying a remeddy to the evil, would, at a future time, call for a more Considerable Force, and a much heavier expence than at present, we cannot doubt but you will Readily give us all the Assistance in your power, speedily to suppress these Disorders, and bring to Condign punishment a set of People who have, in the most daring manner, set the Government and its Laws at Defiance.

"The Secretary will lay before you two depositions which prove the Facts above stated.

"JAMES HAMILTON, president.

"September 18th, 1771."

At a Conferrence held in the Council Chamber at Philadelphia, on Tuesday the 24 of September, 1771, with several Indians of Different Tribes, who came to town on Saturday last from the West Branch of Susquehanna.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, President.

Joseph Turner,	James Tilghman,	Esquires.
William Logan,	Andrew Allen,	
Richard Peters,	Edward Shippen, jun^{r},	

Indians present.

Cheahogah, a Cayugah Chief.

Shawana Ben, Newoaleka, } Chiefs of the Delawares.

Jacob Asquash, a Nanticoke Interpreter, And 24 other Indians, Viz.: Cayugas, Tuscaroras, Shawanese, Delawares, Mohickons, Nanticokes and Canoys.

The Indians being seated, the Cayuga Chief rose up and spoke as follows, Viz^{t}:

"Brothers:

"When I was at home with my Nation we were thinking with ourselves about our Brethren at Philadelphia. We remembered

that there was an old Road between us and them, in the very Beginning of times, and as we wanted to say something to our Brethren at Philadelphia, and that we should travel in the same road that our Ancestors had opened as a Communication between them and us; upon this I sat out with some of our People, and found the old road that has been used from the Beginning, and travelled safe in it to this City, and we are glad to find the old Council Fire, which which was kindled by our Fathers is still burning bright and clear as it used to be, and that we see our Bretheren. We give you this String to clear your eyes, that you may see us in Council. We open your throats and clean your Hearts, that there may be no foulness in you; we also unstop your Ears, that you may the better hear what we have to say to you, and we likewise Cleanse the Council Chamber, that we may sit happily together, without anything to Offend us.

A String of three Rows.

"Brothers:

"Please to hearken to us, having now cleared your Eyes, cleansed your hearts, opened your Ears, and swept the Council Chamber, I shall proceed to tell you our Business.

"Brothers:

"As we have already mentioned, there was at the Begining a Great Council fire kindled in the City, and it always burnt clear and Bright; of late there was another Fire kindled between our Nations and our Brethren, the English, at Sir William Johnson's, and there we have of late gone, and by this means the old Road to this Council-Fire was grown up and difficult to be found, but we have found it and travelled through it, and are come once more to the old Council Fire at Philadelphia.

"Brothers:

"Our Fathers and your fathers were in close friendship; they held fast the Covenant-Chain and strengthned it; one held it fast at one end and the other at the other; but there are always some bad people who want to break the Chain, but they never have been able to do it; both you and we have held it fast. We desire to put you in mind that your fathers were kind to the Indians, and ready to assist them, and we hope that you are of the same disposition that they were.

A String of four Rows.

"Brethren:

"When we were at home we were looking towards Wyoming, and observed that the People of New-England were come to live there. Now we want to know what Reason these New-Englandmen have for doing this, since we never gave that Land to them? Being asked what they meant by this? they answer that the New-Englandmen tell some of the Indians that they, the Indians, gave them the land at Wyoming, but we, the Indians, say that we never did

give them this land; we who are here of several different Nations, namely, the Six Nations, Shawanese, Delawares, Mohickons, Nanticokes, and Conoys, we all declare that the Indians never did give this land to the New-England People, but we gave it to the proprietor Onas, and to no other person, and we not only gave Wyoming to him, but a great space of land round about it, except the places where the Indians live.

A String of three black and white Rows.

"Brethren:

"We have now fully told you all the Business of our coming here to this Council fire at Philadelphia; we came down all the way from the Mingo Country, on purpose to acquaint you with what you have now heard from us.

"And now, Brothers, hearken to what my Brother Shawana Ben here present, who lives upon the great Island, desires to tell you."

Shawana Ben then spoke as follows:

"Brothers:

"We were informed by Sir William Johnson that whenever we were tired of living on the land we were settled on, and had an Inclination to leave it, we might be permitted to do so and dispose of it; now Brothers, we tell you that we have an Inclination to remove from the place where we live, the great Island, and desire to dispose of it."

A String of four black and white Rows.

The Cayuga Chief then spoke as follows:

"Bretheren:

"I am now grown old, and have been employ'd as a Messenger, and am become stiff with Travelling, and I desire you will help me, and give me a Horse, that I may not be obliged to walk when I go home. I must also inform you, Brethren, that our Hatchetts and Guns are out of order, and we request you will get them put in Repair."

One of the Indians present called Cawandaghsaw, then acquainted the president and Council that he was a Cocknawawga, and was just arrived from Charles Town in South Carolina, and Delivered a letter from Governor Bull to the president, which was Read, and is as follows, Viz^{t}:

"Charlestown, September 6, 1771.

"Sir:

"An Indian of the Oneida Nation, named Da-ya-gough-de-re-esh, called by the English Thomas King, who had been employed by Sir William Johnson to negociate and Confirm peace between the Six Nations and various Tribes on the Ohio, and our Southern Nations, after finishing his important business, arrived here about twelve days agoe, and desired to Return by Sea to Sir William Johnson, and expressed a Strong Inclination to see the great City of

Philadelphia; I accordingly provided a passage for him and his Retinue in Captain Blewer, and Cloathing, and some presents for himself and his Companions; but he was taken Ill of a Fever, and unfortunately died last night. He was to have been accompanied by two Catawbas to Confirm the Peace in presence of Sir William Johnson, but his Death put an end to their Voyage with him; I have sent the Cloaths I had provided for him by his Companion, to be given by Sir William Johnson (to whom I write by them) to dry up the tears of his Relations.

"I Recommend them, the bearers hereof, to your protection and assistance on their way to Sir William Johnson. Your knowledge of the Genius of Indians, and of the fidelity of this tribe to the English, and your own humanity, leave me no Room to add any arguments in their Favour.

"I have the Honour to be, with great Regard, Sir,

"Your most Obedient Humble Servant,

"WM. BULL.

"To the Honourable Lieutenant Governor HAMILTON, Commander-in-Chief of the Province of Pennsylvania."

The same Indian then informed the Council that he had a great Quantity of Wampum, which was given by the Southern Indian Nations at their several Treaties with Thomas King, and that he would show the Wampum to the Council, if they Chose to see it, and according he shewed twenty Belts, and a large number of strings of Wampum.

While the Council was Sitting, a Shawanese Indian, named Shawana John, came into the Chamber, and presented a Petition to the president, setting forth that he had been at Sir William Johnsons, and was sent by him on Business to the Governor of Boston; and that as he was a coming here in passing through Hartford and New Haven, some Gentleman there give him Letters for the Governor of this Province; that these Letters, and his passport, and nine Dollars, were taken from him while he was asleep at an Inn in Brunswick, in New Jersey, and he desired that his loss might be made good to him.

At a Council held at Philadelphia, on Thursday 3d October, 1771.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, President.

Joseph Turner,	James Tilghman,	Esquires.
William Logan,	Andrew Allen,	
Benjamin Chew,	Edward Shippen, Junr,	
Thomas Cadwallader,		

The Sheriffs of Philadelphia and Chester Counties having made their Returns of the Elections for those Counties, they were laid

before the Board, and being duly Considered, the following persons were appointed, and their Commissions, with Writs of assistance and Warrants for affixing the Great Seal, were signed by the President, Mr. Turner, Mr. Logan, Mr. Chew, and Mr. Cadwallader.

Judah Foulke, Sheriff,
Caleb Cash, Coroner, } of the City and County of Philadelphia.
Jesse Maris, Sheriff of Chester County.

Friday 4th of October, 1771.

The President dispatched by an Express, a letter to the Honourable Jonathan Trumbull, Esquire, Governor of Connecticut, which follows in these words, Viz^{t}:

"PHILADELPHIA, the 4th of October, 1771.

"Per THOMAS ROBINSON, Express.

"Honoured Sir:

"As I have the honor at present to preside in this Province, I have transmitted you the Inclosed Copies of a Deposition and Capitulation, by which you will perceive how the peace of this Government has been lately disturbed by the Violent proceedings of what is Called your Susquehanna Land Company, who have associated to themselves some of the most abandoned and Profligate of our people, such as are accused, and indeed stand Indicted of Capital Crimes here.

"As the people Concerned in these violent and even hostile measures, profess to act under the authority of your Government, and have made a Capitulation expressly on behalf of the Government, I have thought it proper and Expedient to send a Messenger to your Honour on purpose to know with Certainty whether they have proceeded in any sort under your Countenance or Authority, or that of your assembly; And as this must be a matter within your Knowledge, I make no doubt but you will dispatch the express with a Speedy answer to

"Your most Obedient,
"and most humble Servant,
"JAMES HAMILTON, President.

"To the Honourable JONATHAN TRUMBULL, Esq^{r} Governor of Connecticut, at Lebanon."

At a Council held at Philadelphia on Saturday 5th October, 1771.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, President.

Joseph Turner,	James Tilghman,	Esquires.
William Logan,	Andrew Allen,	
Benjamin Chew,	Edward Shippen, Junr,	
Thomas Cadwallader,		

The returns of the Elections of Sheriffs and Coroners for the Counties of Chester, Bucks, Lancaster, Berks, York, Northampton, New Castle, and Kent, being now made, the Board took the same into Consideration, and appointed and Commissionated the following persons as Sheriffs and Coroners for the first mentioned six Counties; and the President appointed and Commissionated Thomas Duff and James Caldwell, Sheriffs, and Henry Vining and John Smithers, Coroners of their Respective Counties of New Castle and Kent.

John Crosby, Junr, Coroner of Chester County.

Richard Gibbs,	Sheriff,	Bucks	County.
James Wallace,	Coroner,		
Frederick Stone,	Sheriff,	Lancaster	Do.
Samuel Boyd,	Coroner,		
Samuel Edie,	Sheriff,	York	Do.
Joseph Adlum,	Coroner,		
George Nagle,	Sheriff,	Berks	Do.
Isaac Levan, junr,	Coroner,		
Peter Kachlein,	Sheriff,	Northampton	Do.
Peter Seip,	Coroner,		
Thomas Duff,	Sheriff,	New Castle	County.
Henry Vining,	Coroner,		
James Caldwell,	Sheriff,	Kent	County.
John Smithers,	Coroner,		

A Transcript of the Record of the Conviction of George Spots was then laid before the Board, by which it appears that at a Court of Oyer and Terminer and General Goal Delivery held at Philadelphia, for the County of Philadelphia, on the twenty-third of September last, Before William Allen, John Lawrence, and Thomas Willing, Esquires, Justices of the Supream Court and of the said Court of Oyer and Terminer, George Spots, of Philada County, Labourer, was tryed and Convicted of Fellony and Robbery committed by him, the said George, on the King's high Way, on the Second day of April last, and that he hath received Sentence of Death for the same.

The said Record being taken into Consideration, and the said Justices and the Jury by whom he was convicted, having Recom-

mended him as an Object of Compassion, it was agreed that he should be Reprieved, on Condition that he remove from this Province, and never more return into it. The Reprieve was accordingly made out under the great Seal, and delivered to the Care of the Sheriff of this County.

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October 7th, 1771.

The Sheriff of Sussex County having now made his Return of the Election for that County, the President appointed the following persons the Sheriff and Coroner, and signed their Commissions:

Peter Robinson,	Sheriff,	of Sussex County.
Eli Parker,	Coroner,	

The Sheriff of Cumberland having also made his Return of the Election for that County, the President and four Members of Council appointed and Commissionated the following persons as Sheriff and Coroner, Viz^{t}:

Ephraim Blaine,	Sheriff,	Cumberland County.
Samuel Laird,	Coroner,	

—

October the 8th, 1771.

The Return of the Election for the County of Bedford being now made, the President and four Gentlemen of the Council appointed and Commissionated the following persons the Sheriff and Coroner of that County, Viz^{t}:

John Proctor, jun^{r}	Sheriff,	Bedford County.
Joseph Erwin,	Coroner,	

A Draught of a Letter being prepared by Order of the Board to be dispatched to the Proprietaries, the same was Ordered to be Transcribed for that purpose, and sent by the first Opportunity. The said Letter follows in these Words, Viz^{t}:

"PHILADELPHIA, the 8th of October, 1771.

"May it please your Honors:

"In our Letter of the 20th of August last, we acquainted you of the unfavourable situation of your affairs at Wyoming, and that we had an Intention of laying the matter before the Assembly, in hopes of their assistance. We did so, and now inclose you copies of our Message, and their answer; by which you will perceive the uncertainty of succeeding in our application. We have dispatched a Messenger to the Governor of Connecticut, to know whether that

Government have given any countenance or Authority to the Proceedings of their people at Wyoming. If they should deny that they act under the Authority of Government (as we conceive they will,) it is thought it may favor the application we intend to make to the approaching Assembly. If they should avow their proceedings, it may be a proper Foundation for an Application at home. Our intelligence from Wyoming is that their numbers have not increased as was expected; that there is a Disagreement between the New-England men and Stewart's Party, and that they are not preparing for a Crop of Winter Grain.

"From a View of what it past, we think it highly probable that nothing but the Interposition of the King and Council can put an end to this troublesome and expensive Business.

"We inclose copies of a Letter and Deposition just come to hand from the Westward, which seem strongly to point out the necessity of ascertaining that Frontier.

"We have the Honour to be

"Your most Obedient humble Servants,

"JAMES TILGHMAN,
"ANDREW ALLEN,
"EDWARD SHIPPEN, Junr,
"JAMES HAMILTON,
"JOSEPH TURNER,
"WILLIAM LOGAN,
"RICHARD PETERS.

"To the Honourable THOMAS PENN and JOHN PENN, Esquires, Proprietaries of the Province of Pennsylvania, London.

"To the care of Messrs. David and John Barclay, Merchants in London.

At a Council held at Philadelphia, on Wednesday 16th October, 1771, A. M.

PRESENT:

The Honourable JAMES HAMILTON, Esquire, President.

Joseph Turner, Andrew Allen, Edward Shippen, Junr. William Logan, } Esquires.

The President acquainted the Board that a Committee of Assembly had waited on him yesterday, to acquaint him that the House had met pursuant to the Laws and Charter of this Province, and had chosen their Speaker, and were Ready to Receive any business the Council might have to lay before them. But on Receiving an account this Morning that Captain Falconer's Ship was arrived in the River, from London, with the Honourable Richard Penn, Esquire, our Governor, on Board, it was agreed to Defer all Business with the House 'till he should come up to the City.

The Secretary presented to the Board a Petition from Divers Inhabitants of the City of Philadelphia, and the Northern Liberties, setting forth that there is a Public Road leading from the upper end of Fourth Street to the Southwardmost line of the Widow Master's land near her Mill-Dam, which has been in use about sixty years, and is a boundary of the Lots and Land on each side thereof, and of very great Convenience to the owners of the same; that the Petitioners are of opinion that if the said Road was extended through the Widow Master's land into the Germantown Road, it would not only accommodate the owners of the said Lots and those who reside on and near the present old Road, but be of very great utility to the publick by opening another out-let into the Country from the Northern parts of the City.

That the said Road (if extended as aforesaid) would pass over even and good Ground, would not exceed 190 perches in length, and Consequently would Occasion but a small expense in opening and keeping it in Repair. That the Petitioners have obtained the full Consent of the Widow Masters for Carrying the said road through her Land, agreeably to the Courses laid down in a Draught accompanying their Petition, and humbly Conceive that no reasonable objection can be had thereto, as it will not injure or pass through the Land of any other person; and therefore prayed the Council would be pleased to appoint men to view the Ground and to lay out a public Road from the end of the said old Road leading from Fourth Street into the Germantown Road, according to the manner proposed and laid down in the said Draught, or as nearly so as may be found most Convenient for public use.

The Board taking the said petition and Draught into Consideration, do order and appoint Joseph Fox, Jacob Lewis, Luke Morris, John Lukens, Jonathan Evans and Edward Duffield, to view the Ground, and if they or any four of them are of Opinion that the Road Petitioned for is necessary for publick use and Convenience, to lay out the same in the manner proposed by the petitioners, or as nearly so as they shall judge most advantageous for the publick Service, and to make return of the Courses and Distances thereof, with a Draught of the said Road, into the Provincial Secretary's office, in order to be Confirmed as a public Road, if the same shall be approved.

At a Council held at Philadelphia, on Wednesday 16th October, 1771, P. M.

PRESENT:

The Honourable RICHARD PENN, Esquire, Lieutenant Governor, &c[a].

The Honourable James Hamilton, Esquire.

Joseph Turner,	James Tilghman,	Esquires.
Richard Peters,	Andrew Allen,	
Lynford Lardner,	Edward Shippen Junior,	
Thomas Cadwallader.		

The Honourable Proprietaries, Thomas Penn and John Penn, Esquires, having been pleased to appoint Richard Penn, Esquire, to be Lieutenant Governor of the Province of Pennsylvania and Counties of New-Castle, Kent and Sussex, on Delaware, He produced his Commission under the Hands and seals of the said Proprietaries, bearing date the fifteenth day of July last, with their Warrant for affixing the great Seal thereto; and also a Certificate under the Seal of the Privy Council, dated the sixteenth of August last, declaring his Majesty's approbation of Richard Penn, Esquire, to be Lieutenant Governor of the said Province and Counties, and his having taken the Usual Oaths. The Secretary was thereupon sent to the keeper of the Great Seal to get the Seal affixed to the said Commission, and the Seal was accordingly affixed thereto. Sometime after his Return the Governor, attended by the Council, Mayor, Alderman and Common Council, and preceded by the Sheriff and his officers, went to the Court House, where his Commission was published with due Solemnity in the presence of a very great Concourse of People.

The Commission and Certificate were Ordered to be Recorded in the Rolls Office.

At a Council held at Philadelphia, on Thursday 17th October, 1771.

PRESENT:

The Honourable RICHARD PENN, Esquire, Lieutenant Governor, &c[a].

James Hamilton,	Lynford Lardner,	Esquires.
William Logan,	James Tilghman,	
Richard Peters,	Edward Shippen, jun[r].	

The Governor informed the Board that he Continued Mr. Joseph Shippen, Jun[r]. in the Office of Provincial Secretary and Clerk of

the Council, and desired that an entry of the same might be made on the minutes of Council.

The Secretary having, by the Governor's Directions, prepared a Draught of a Proclamation for Continuing all Magistrates & other Officers in their Respective Offices, the same was read and signed by the Governor, and Ordered to be published in the several public Papers next week. The said Proclamation follows in these words, Viz^{t}:

"*By the Honourable RICHARD PENN, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, and Sussex, on Delaware.*

"A PROCLAMATION.

"Whereas, the Honourable Thomas Penn and John Penn, Esquires, true and absolute Proprietaries and Governors in-Chief of the Province of Pennsylvania, and Counties of New Castle, Kent, and Sussex, on Delaware, have been pleased by their Commission, under their Hands and Seals, bearing date the fifteenth day of July last, to Constitute and appoint me to be their Lieutenant Governor of the said Province and Counties, with all necessary powers and Authority for the well Governing of the same, which said appointment the King's Most excellent Majesty, in a Council held at S^{t} James's, the sixteenth day of August last, was Graciously pleased to allow and approve of. Therefore, in pursuance of the said trust in me Reposed, having a Special Regard to the Safety of the State and Government of the said Province and Counties, and to prevent failures in the Administration of Justice therein, I have, by and with the advice and Consent of the Council of the said Province and Counties, thought fit to ordain, and do hereby ordain and declare, that all Orders and Commissions whatsoever, relating to the Government of the said Province and Counties, heretofore lawfully and rightfully Issued, which were in force on the sixteenth day of October Instant, shall be, continue, and remain in full force, Power, and Virtue, according to their Respective Tenors, untill my further pleasure shall be known therein; and that all persons whatsoever, who on the said sixteenth day of October Instant, held or Enjoyed any Office of trust or profit in this Government, by Virtue of any such Commission as aforesaid, shall continue to hold and enjoy the same untill they shall be determined by me as aforesaid, or by other Sufficient Authority. And I do hereby further Command and Require all Magistrates, Officers, and Commissioners whatsoever, in whom any Public Trust is Reposed in the Government of the said Province and Counties, that they diligently proceed in the perform-

ance and discharge of their respective Duties therein, for the safety, peace, and well-being of the same.

"*Given* under my hand and the Great Seal of the said Province, at Philadelphia, the seventeenth day of October, in the eleventh year of the Reign of our Sovereign Lord George the third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the faith, and so forth, and in the year of our Lord one thousand seven hundred and seventy-one.

"RICH$^{D.}$ PENN.

"By his Honour's Command.

"JOSEPH SHIPPEN, J$^{R.}$ Secr'y.

"GOD SAVE THE KING."

END OF VOL. IX.

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